United States Department of Agriculture

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BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

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SERVICE AND REGULATORY ANNOUNCEMENTS

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JANUARY-MARCH 1941

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QUARANTINE AND OTHER OFFICIAL ANNOUNCEMENTS

ANNOUNCEMENTS RELATING TO DUTCH ELM DISEASE QUARANTINE (NO. 71)

DUTCH ELM DISEASE QUARANTINE FOR AREA IN PENNSYLVANIA IS CONSIDERED

(Press notice)

APRIL 1, 1941.

A public hearing at Washington, D. C., on April 9 has been announced by the Secretary of Agriculture to consider extending the Dutch elm disease quarantine to include the 9 counties of Montgomery, Luzerne, Bucks, Sus-

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quehanna, Lehigh, Northampton, Wayne, Philadelphia, and Monroe in Pennsylvania. The conference will be held before officials of the Bureau of Entomology and Plant Quarantine in the auditorium of the Department of Agriculture, South Building, Independence Avenue and Fourteenth Street, S.W., at 10 a. m. Any person interested may appear and be heard, either in person or by attorney.

Since 1935, because of the existence of the Dutch elm disease in New York City and surrounding area in New York, Connecticut, and New Jersey, elm trees and parts, and any lumber, boxes, crates, or other containers with elm bark attached, have been prohibited movement from the regulated area in those States to points outside the area. When in July 1938 the disease was found in eastern Pennsylvania adjoining the infected area in New Jersey, a quarantine covering the infected area in Pensylvania, paralleling the requirements of the Federal quarantine, was promulgated by the State Department of Agriculture.

It is believed that extension of the area under Federal regulation to cover the infected portions of Pennsylvania will facilitate the movement of restricted articles between points within the regulated areas of the quarantined States.

Since the Dutch elm disease was first discovered in this country in 1930, incipient infections have been found in limited localities in Maryland, Ohio, Indiana, Virginia, and West Virginia. However, prompt destruction of infected trees has been so effective that only slight recurrence of the disease has been found in some of these localities, and they are therefore not now under consideration for Federal quarantine.

TITLE 7—AGRICULTURE

CHAPTER III.—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF EXTENDING THE DUTCH ELM DISEASE QUARANTINE TO THE STATE OF PENNSYLVANIA

MARCH 31, 1941.

The Secretary of Agriculture has information that the Dutch elm disease, a dangerous plant disease not heretofore widely prevalent or distributed within and throughout the United States but known to exist in parts of Connecticut, New Jersey, and New York, was found in 1938 to extend into Pennsylvania from the contiguous area under regulation in the above-named States. While the area in question has been under Pennsylvania State quarantine in the meantime, it is necessary to consider the advisability of extending the Federal quarantine (§ 301.71 Notice of Quarantine [Notice of Quarantine No. 71]) to the State of Pennsylvania for the purpose of placing area in that State under regulation and of prohibiting or regulating the interstate movement therefrom of the following articles: Elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown including (1) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (2) logs or cordwood of such plants; and (3) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants (unless the wood is entirely free from bark).

Consideration will also be given to the advisability of prohibiting or regulating certain types of movement of restricted commodities interstate from point to point within the regulated area.

Notice is therefore hereby given that, in accordance with Section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; U. S. C. 161), as amended, a public hearing will be held before the Bureau of Entomology and Plant Quarantine in the auditorium of the Department of Agriculture, Washington, D. C., in the South Building, Independence Avenue and 14th Street, SW., at 10:00 a. m., April 9, 1941, in order that any person interested in the proposed quarantine may appear and be heard either in person or by attorney.

PAUL H. APPLEBY,
Under Secretary.

[Filed with the Division of the Federal Register March 31, 1941, 11:38 a. m.; 6 F. R., 1726.]

ANNOUNCEMENTS RELATING TO FRUIT AND VEGETABLE QUARANTINE OF PUERTO RICO (NO. 58)

QUARANTINE RESTRICTIONS LESSENED ON PUERTO RICAN FRUITS AND VEGETABLES

(Press notice)

JANUARY 28, 1941.

Considerable lessening of restrictions affecting movement of fruit and vegetable shipments from Puerto Rico will result from approval given by the Secretary of Agriculture to a revision of Quarantine No. 58 and its regulations, governing the movement of fruit and vegetable products from the Island.

According to the terms of this revision, which became effective January 22, a lengthy list of products shipped from the Island, including many of commercial importance such as tomatoes, cucumbers, pineapples, bananas, papayas, and avocados, will be relieved of existing marking and certification requirements. Unless inspection reveals infestation conditions, there will be no return to certification for these products. Some fruits and vegetables, such as citrus fruit shipped to ports on the Atlantic coast south of Baltimore, peppers, and corn, still require certification.

According to the Bureau of Entomology and Plant Quarantine, which recommended liberalization of restrictions, studies of insect pests in Puerto Rico, as well as records of many years of inspection there, indicate that the modification can be allowed without appreciably increasing any danger that might exist from the comparatively few injurious insects that may be carried from the Island on these products.

Quarantine No. 58 as originally established July 1, 1925—because of the presence on the Island of the West Indian fruitfly, bean pod borer, and other insects—permitted shipment to the mainland of only a few well-known products under a system of inspection and certification. Several years of study and inspection permitted many additions to the original list of products authorized for movement, and these were included in a revision of regulation 3 dated December 13, 1932.

The present revision represents still further liberalization. In addition to exempting numerous products from the certification and marking requirements of the quarantine, it further increases the number of fruits and vegetables that may be shipped, and provides as well for future additions when these are requested and their movement can be considered safe.

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

[FRUIT AND VEGETABLE QUARANTINE OF PUERTO RICO]

INTRODUCTORY NOTE

The considerable fund of knowledge accumulated from insect studies and inspection records during the last decade in Puerto Rico and elsewhere now permits a still further liberalization of the regulations governing the movement of fruits and vegetables from the Island under the subpart entitled, "Hawaiian and Puerto Rican Fruits and Vegetables", of Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.—Q. 58, as amended]. It is believed that the protection afforded by this quarantine will not be lessened by these modifications, the principal effect of which is to remove a considerable list of products from the certification and marking requirements. Exemption from these requirements will be continued unless infestation conditions should make it necessary to restore this procedure for specific products or individual lots or shipments.

In addition, fumigation for pod beans and pigeonpeas will now be required; peppers and green corn will still require certification; and certification will likewise be required for citrus fruits when destined to ports other than those on the

Atlantic seaboard north of and including Baltimore. Among other modifications it is to be noted that okra will not now be included in the admissible list. This is on account of evidence recently obtained indicating that infestations of pink bollworm have occurred in commercial shipments of okra. Fresh banana leaves free from stalk and midrib will now be allowed to move without certification; yam, mangosteen, papaya, and apio (celery root), which have been brought up for consideration since the first amendment of these regulations was issued on December 13, 1932, will now be included among the products exempt from certification; and, in the interest of clarity, a few minor changes in product names are made herein.

Finally, provision has been made to authorize inclusion of other requested additional products for shipment when it can be established that, under suitable treatment, or as packed and shipped, their movement can be safely permitted.

Determination of the Secretary of Agriculture

The Secretary of Agriculture, having determined that it was necessary to quarantine Puerto Rico, in order to prevent the spread therefrom of certain injurious insects, including the West Indian fruitfly (*Anastrepha fraterculus* Wied.) and the bean pod borer (*Maruca testulalis* Geyer), not theretofore widely prevalent or distributed within and throughout the United States, and having given the public hearing required by law, promulgated Notice of Quarantine 301.58, Part 301, Chapter III, Title 7, Code of Federal Regulations, and rules and regulations supplemental thereto governing the movement of fruits and vegetables from Puerto Rico, §§ 301.58–1 to 12, inclusive, Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.—Q. 58, effective July 1, 1925, as amended].

I have now determined that the West Indian fruitfly, designated in the aforesaid Notice of Quarantine and rules and regulations as *Anastrepha fraterculus* (Wied.), includes several distinct species, recognized as *A. suspensa* (Loew) and *A. mombinpraeoptans* Sein and probably still other fruitfly species. For this reason and for the reason that it appears that the provisions of the rules and regulations supplemental to the said Notice of Quarantine may safely be liberalized, I have further determined that the said Notice of Quarantine and rules and regulations should be revised.

Order of the Secretary of Agriculture

Pursuant to the authority conferred upon the Secretary of Agriculture by Section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the subpart, entitled, "Hawaiian and Puerto Rican Fruits and Vegetables," of Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.—Q. 58, as amended], is hereby revised, effective January 22, 1941, to read as follows:

Subpart—Puerto Rican Fruits and Vegetables

QUARANTINE

§ 301.58 *Notice of Quarantine.*—Under the authority conferred upon the Secretary of Agriculture by Section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), Puerto Rico is quarantined effective on and after January 22, 1941, in order to prevent the spread therefrom of certain injurious insects, including the fruitflies *Anastrepha suspensa* (Loew), and *A. mombinpraeoptans* Sein, and probably still other fruitfly species, and the bean pod borer *Maruca testulalis* (Geyer), not heretofore widely prevalent or distributed within and throughout the United States. As provided in the said Plant Quarantine Act, fruits and vegetables shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, transported, moved, or allowed to be moved from Puerto Rico into or through any other State or Territory or District of the United States, in manner or method or under conditions other than those prescribed in the rules and regulations supplemental hereto and in amendments thereof: *Provided*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying

the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective.

This section leaves in full effect § 301.30 [B. E. P. Q.—Q. 30, revised effective October 10, 1934], which prohibits the movement from Hawaii and Puerto Rico into or through any other State, Territory, or District of the United States of all varieties of sweetpotatoes (*Ipomoea batatas*).

RULES AND REGULATIONS

§ 301.58–1 *Definitions.*—(*a*) *Fresh fruits and vegetables.*—The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

(*b*) *Plant litter.*—Leaves, twigs, or other portions of plants, or plant remains or rubbish as distinguished from clean fruits and vegetables, or other commercial articles.

(*c*) *Inspector.*—An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

§ 301.58–2 *Fruits and vegetables the movement of which is prohibited.*—Movement from Puerto Rico into or through any other State, Territory, or District of the United States of fruits of mango (*Mangifera* spp.), jobo (*Spondias* spp.), guava (*Psidium guajava*), and pomarrosa or rose apple (*Eugenia jambos*), and all other fruits and vegetables for which movement is not authorized in § 301.58–3 hereof, is prohibited: *Provided*, That any fruit or vegetable the movement of which is thus prohibited may be removed from a prohibited status and included in the list for which movement is authorized in § 301.58–3, by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when evidence satisfactory to him is obtained that the movement of the product in question, either subject to a specified treatment, or as packed and shipped, will not result in the dissemination of injurious insects.

§ 301.58–3 *Fruits and vegetables the movement of which is authorized.*[1]—(*a*) Subject to the conditions and limitations noted herein, and to such treatment as is herein or may hereafter be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, the following fruits and vegetables may be moved or allowed to be moved from Puerto Rico into or through any other State, Territory, or District of the United States when such fruits or vegetables are free from plant litter, are marked in compliance with § 301.58–6, and have been inspected by an inspector and certified by him to be free from injurious insect infestation, including the West Indian fruitfly and the bean-pod borer, or to have been given the prescribed treatment:

String beans, lima beans, faba beans, and pigeonpeas, in the pod, will be certified for movement only when they have been treated as prescribed by the Chief of the Bureau of Entomology and Plant Quarantine and under the supervision of an inspector.

Citrus fruits (orange, grapefruit, lemon, citron, and lime).

Corn (sweet corn on cob).

Peppers.

(*b*) The following fruits and vegetables are subject to inspection, either in the field or when presented for shipment, as the inspector may require, but unless found by him to be infested shall be free to move without certification, marking, treatment, or other requirements of these regulations, except that they must be free from plant litter and soil: *Provided*, That if the inspector shall find any field, grove, lot, shipment, or container of such fruits and vegetables infested with injurious insects, he shall notify the owner or person in charge, in writing, of the existence of the infestation and the extent thereof, and thereafter movement of the fruit or vegetable so specified shall be prohibited while the infestation persists, unless in the judgment of the inspector movement may be safely allowed subject to certification after

[1] The following are not interpreted as fresh fruits and vegetables within the meaning of § 301.58 [B. E. P. Q.—Q. 58, revised]: Coconuts, breadnuts, dried peas and beans, dried seeds, dried or cured medicinal plants and herbs, anatto seeds (achiote), gourd (higuero), cannon-ball fruit (*Couroupita guianensis*), and cut flowers.

having been given an approved treatment, or after sorting, conditioning, or other effective safeguard measures:

Algarroba pods (*Hymenaea courbaril*).
Allium spp. (onion, chive, garlic, leek, scallion, shallot).
Anise (*Pimpinella anisum*).
Apio, celery root (*Arracacia xanthorrhiza*).
Arrowroot (*Maranta arundinacea*).
Artichoke, Jerusalem (*Helianthus tuberosus*).
Asparagus.
Avocado.
Balsamapple, balsam-pear (*Momordica balsamina; M. charantia*).
Banana and plantain (fruit).
Banana leaves (fresh, without stalks or midrib).
Beans (fresh shelled lima and faba beans).
Beet, including Swiss chard.
Brassica oleracea (cabbage, cauliflower, Brussels sprouts, broccoli, collard, kale, kohlrabi, Savoy).
Breadfruit, jackfruit (*Artocarpus* spp.).
Cacao bean (*Theobroma cacao*).
Carrot.
Celery.
Chayote (*Sechium edule*).
Chicory, endive (*Cichorium intybus*).
Citrus fruit (citron, grapefruit, lemon, lime, and orange) destined for ports on the Atlantic seaboard north of and including Baltimore.
Cucumbers, including Angola cucumber (*Sicania odorata*).
Culantro, coriander (*Eryngium foetidum; Coriandrum sativum*).
Dasheen, malanga, taro (*Colocasia* and *Caladium* spp.).
Eggplant.
Fennel.
Ginger root (*Zingiber officinale*).
Kudzu (*Pueraria thunbergiana*).
Lerens, sweet corn root (*Calathea allouia*).
Lettuce.
Mangosteen (*Garcinia mangostana*).
Mustard greens.
Palm hearts.
Papaya, lechosa (*Carica papaya*).
Parsley.
Parsnip.
Peas (in pod) (*Pisum sativum*).
Pigeonpea (fresh shelled).
Pineapple.
Potato.
Quenepa (*Melicocca bijuga*).
Radish.
Rhubarb.
Rutabaga.
Spinach.
Squash, pumpkin, watermelon, vegetable marrow, cantaloup, calabaza.
Strawberry.
Tamarind beanpod (*Tamarindus indica*).
Tomato.
Turnip.
Watercress.
Waterlily root, lotus root (*Nelumbium nelumbo*).
Yam, name (*Dioscorea* spp.).
Yautia, tanier (*Xanthosoma* spp.).
Yuca, cassava (*Manihot esculenta*).

§ 301.58–4 *Application for inspection.*—Persons intending to move any of the fruits or vegetables for which certification is required under § 301.58–3 from Puerto Rico into or through any other State, Territory, or District of the United States shall make application for inspection thereof as far as possible in advance of the probable date of shipment. The application shall show the quantity of the fruits or vegetables which it is proposed to move, their identifying marks and numbers, their exact location, and the contemplated date of shipment. Forms on which to make application for inspection will be furnished upon request, by the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine.

§ 301.58–5 *Certification of shipments.*—Fruits and vegetables for which certification is required under § 301.58–3 shall not be moved from Puerto Rico into or through any other State, Territory, or District of the United States, by ship, vessel, aircraft, or otherwise, unless each shipment is accompanied by a certificate issued by an inspector showing that such fruits or vegetables have been inspected and pronounced free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or that the required treatment has been given. Copies of inspection certificates shall accompany the manifests, memoranda, or bills of lading pertaining to such shipments.

No charge will be made for the inspector's service in inspection and certification, but all costs for labor, cartage, storage, packing and unpacking, and other expenses incidental to inspection shall be borne by the shipper. Applicants for inspection shall place the fruits or vegetables to be inspected so that they can be readily examined; if not so placed, inspection will be refused.

§ 301.58–6 *Marking of containers.*—No fruits or vegetables for which certification is required under § 301.58–3 shall be moved from Puerto Rico into or through any other State, Territory, or District of the United States unless the crate, box, bale, or other container thereof is so marked with the marks and numbers given on the application that it may be identified at the port of first arrival.

§ 301.58–7 *Fruits and vegetables as ships' stores or in the possession of passengers and crew.*—The movement of fruits and vegetables is permitted from Puerto Rico as ships' stores or in the possession of passengers and crew on ships, vessels, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States: *Provided*, That all such products, on arrival in the United States must be submitted for inspection and disposition as provided in §§ 301.58–8 and 301.58–11 hereof, and (1) they must be free

from infestation with injurious insects; (2) those fruits and vegetables not listed in § 301.58–3 shall not be landed; (3) prohibited fruits and vegetables retained aboard shall be subject to the safeguards provided in § 352.8 [regulation 6 of the Plant Safeguard Regulations].

§ 301.58–8 *Inspection of vessels.*—Inspectors are authorized to enter upon ships, vessels, and aircraft from Puerto Rico at any time after they come within the territory or territorial waters of any other State, Territory, or District of the United States, whether in the stream or at the dock, wharf, mole, or landing field for the purpose of ascertaining by inspection whether any of the fruits and vegetables covered by this quarantine are contained in such ships, vessels, or aircraft as cargo or ships' stores, or whether there remains any infestation from such fruits or vegetables.

§ 301.58–9 *Disinfection of vessels.*—Disinfection under the direction of and in the manner prescribed by the inspector of any ship, vessel, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States upon arrival at the dock, wharf, mole, or landing field may be required if the ship, vessel, or aircraft is found to contain or to be contaminated with any of the fruits or vegetables infested with injurious insects. Such disinfection shall be performed by the person having charge or possession of the ship, vessel, or aircraft and at a place satisfactory to the inspector. When such ship, vessel, or aircraft has been disinfected in a manner satisfactory to such inspector, he shall immediately issue and deliver to the person having charge or possession thereof a certificate to that effect.

§ 301.58–10 *Inspection of cargo.*—Inspectors are authorized to ascertain by inspection of the cargo of any ship, vessel, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States at the port of first arrival, that each lot or shipment moving under certification agrees in nature and amount with the certificate, and that all shipments of fruits and vegetables for which a certificate is required are duly certified; to determine, in the case of fruits and vegetables the movement of which is not authorized, if infestation is present; and to require for such unauthorized shipments safeguards, treatment, return, or destruction, as may be necessary to prevent the dissemination of injurious insects.

§ 301.58–11 *Inspection of baggage.*—Inspectors are authorized to ascertain by inspection whether any of the fruits or vegetables covered by this quarantine are contained in the baggage or other personal belongings of passengers and members of the crew on ships, vessels, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States, to determine whether the same are infested with injurious insects, and in the case of infested or unauthorized products to require such safeguarding, treatment, or destruction as in the judgment of the inspector may be necessary. For the purpose of such inspection an inspector is authorized to open any box, bale, crate, bundle, or other package, including trunks, which may contain or be liable to contain any of the fruits or vegetables covered by this quarantine. Such baggage inspection shall be made at the dock, airport, or landing field at the port of debarkation within any State, Territory, or District of the United States other than Puerto Rico, as the inspector may require, and no such baggage or personal belongings of passengers or crew shall be removed from such dock, airport, or landing field until the same have been inspected and passed by an inspector.

§ 301.58–12 *Baggage declarations.*—Before any ship, vessel, or aircraft from Puerto Rico arrives within the boundaries of any other State, Territory, or District of the United States, the master, captain, or other person having charge or possession of any such ship, vessel, or aircraft shall cause to be distributed to each passenger thereon a baggage declaration [2] to be furnished by the United States Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, the foregoing quarantine, and these regulations. These baggage declarations, after being executed and signed by the passengers, shall be collected and delivered to the inspector at the port of debarkation.

§ 301.58–13 *Parcel post inspection.*—Inspectors are authorized to inspect, with the cooperation of the United States Post Office Department, parcel post packages placed in the mails in Puerto Rico, to determine whether such packages contain fruits or vegetables the movement of which is not authorized under

[2] Form EQ–911.

this quarantine, to examine fruits and vegetables so found for insect infestation, and to notify the postmaster in writing of any violation of the said quarantine in connection therewith.

§ 301.58–14 *Movement by the Department of Agriculture.*—The foregoing quarantine and regulations shall not apply to movement of fruits and vegetables from Puerto Rico by the United States Department of Agriculture for experimental or scientific purposes.

Done at Washington, D. C., this 22d day of January 1941.

Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

The foregoing quarantine and regulations supersede the quarantine and regulations embodied in B. E. P. Q.–Q. 58 (effective July 1, 1925) and the amendment thereof effective January 1, 1933, and are adopted effective January 22, 1941.

[Copies of the foregoing quarantine were sent to all common carriers plying between Puerto Rico and the mainland.]

[Filed with the Division of the Federal Register January 22, 1941, 3 : 47 p. m.; 6 F. R., 582.]

NOTICE TO GENERAL PUBLIC THROUGH NEWSPAPERS

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., January 22, 1941.

Notice is hereby given that the Secretary of Agriculture, under authority conferred on him by the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), has promulgated a revision of the subpart entitled "Hawaiian and Puerto Rican Fruits and Vegetables" of Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.–Q. 58, as amended], effective on and after January 22, 1941. The purpose of this revision is to modify the restrictions on the movement of certain fruits and vegetables shipped from Puerto Rico; to require the fumigation of string beans, lima beans, faba beans, and pigeonpeas; to authorize the movement of several additional products; and to provide for further authorization for the movement of other products after it has been determined that such movement may be safely permitted.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[Published in El Mundo, San Juan, P. R., February 12, 1941.]

ANNOUNCEMENTS RELATING TO JAPANESE BEETLE QUARANTINE (NO. 48)

JAPANESE BEETLE QUARANTINE REGULATIONS REVISED

(Press notice)

FEBRUARY 13, 1941.

The United States Department of Agriculture announced today that the Japanese beetle quarantine and regulations have been revised, effective February 12, 1941.

The regulated territory has been extended to include new areas in Maryland, New York, Pennsylvania, Virginia, and West Virginia. The new areas brought within the regulations include parts or all of the following counties: Baltimore, Carroll, Charles, Dorchester, Frederick, Howard, Montgomery, Washington, and Wicomico, Md.; Cayuga, N. Y.; Butler, Crawford, Erie, Forest, Mercer, Venango, and Warren, Pa.; Chesterfield, Greensville, and Rappahannock, Va.; and Marshall and Ohio, W. Va. The cities of Petersburg and Winchester, Va., are included also. These additions to the regulated area are made because scouting in 1940 showed that beetles were present there in large numbers.

The portion of this area subject to special regulations on the movement of fruits and vegetables that might carry beetles from the more heavily infested territory to uninfested territory has been extended to include additional areas in Baltimore and Howard Counties, Md., and Berks, Lehigh, Northampton, and

York Counties, Pa., and to bring in part of Cumberland County, Pa. Metropolitan New York localities and adjoining territory in Fairfield County, Conn., have been dropped from this area.

In addition, a few minor changes have been made in the Japanese beetle quarantine regulations. These cover modifications of the regulations for fruit and vegetable shipments to isolated points and of requirements as to certification of bananas.

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

REVISION OF JAPANESE BEETLE QUARANTINE

INTRODUCTORY NOTE

The current revision of the Japanese beetle quarantine adds a proviso under which the Chief of the Bureau of Entomology and Plant Quarantine may, when the facts as to pest risk so warrant, modify the requirements, by making them less stringent, as to one or more of the restricted articles, or as to certain periods of the year, or certain parts of the regulated areas.

In the revision of the regulations, nominal extensions of regulated areas are made in Maryland, New York, Pennsylvania, Virginia, and West Virginia. Counties newly added in part or in entirety include Cayuga in New York; Crawford and Forest in Pennsylvania; Greensville and Rappahannock in Virginia; and Marshall in West Virginia. The cities of Petersburg and Winchester, in Virginia, are also brought under regulation. Discovery of substantial infestations of the Japanese beetle in these sections warranted their addition to the regulated areas. Additional enlargements of the regulated areas have been made to include the entire Maryland counties of Baltimore, Howard, Montgomery, and Wicomico, and additional areas in the counties of Carroll, Charles, Dorchester, Frederick, and Washington; the entire Pennsylvania counties of Butler, Venango, and Warren, and parts of Erie and Mercer Counties; additional area in Chesterfield County, Va.; and all of Ohio County in West Virginia.

The area from which the movement of fruits and vegetables is regulated (§ 301.48–5) has been extended to include additional areas in Baltimore and Howard Counties, Md., and Berks, Lehigh, Northampton, and York Counties, Pa., and to bring in part of Cumberland County, Pa. The metropolitan New York localities and adjoining area in Fairfield County, Conn., are no longer included in this area.

Previous quarantine regulations required a certificate or permit for movement of fruits and vegetables from the area designated in § 301.48–5 to several isolated points in Maine, New York, Ohio, Pennsylvania, Vermont, and West Virginia. This requirement as related to isolated points has been removed with the exception that a certificate is required for such movement to Toledo, Ohio, and Winchester, Va., when consigned via refrigerator car or motortruck, or in lot shipments of three pieces or more by common carrier. This section has been further revised to remove the exemption in regard to bananas. Bananas in any form moving from the area designated in § 301.48–5 via refrigerator car, or motortruck, or by common carrier in lot shipments of three pieces or more, require certification during the period specified.

Current regulations require that refrigerator cars originating in the area designated in § 301.48–5 into which fruits or vegetables are to be loaded for interstate movement from any regulated area must be swept, cleaned, or fumigated by the common carrier prior to loading, and if used for loading fruits and vegetables in the area designated in that section, such cars must also be kept tightly closed and sealed during the interval between fumigating or cleaning and loading. Fruits and vegetables consigned from the area designated in

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§ 301.48–5 by refrigerator cars must be fumigated in the car, when such action is deemed necessary by the inspector, and doors and hatches of the cars must be closed or screened.

Minor changes have also been made in §§ 301.48–6, 7, 10, 12, and 13.

This revision supersedes the twelfth revision of Notice of Quarantine No. 48, approved March 1, 1937, and the seventeenth revision of the rules and regulations supplemental thereto, as amended effective May 27, 1940.

SUMMARY

Unless a certificate has been issued, these regulations as now revised, prohibit the interstate movement between June 15 and October 15 (between June 1 and October 15 in the case of Accomac and Northampton Counties, Va.) of all fruits and vegetables by refrigerator car, motortruck, or in lot shipments of three pieces or more by common carrier, from the District of Columbia, the State of Delaware, and parts of Maryland, New Jersey, Pennsylvania, and Virginia, as defined in § 301.48–5, to or through points outside the regulated areas as defined in § 301.48–3.

The regulations also prohibit the interstate shipment of plants, sand, soil, earth, peat, compost, and manure from any part of the regulated areas to or through any outside point throughout the year unless a Federal permit or certificate has been secured. Cut flowers are restricted interstate movement only between June 15 and October 15 inclusive. For details and exceptions see §§ 301.48–6 and 7.

The regulated areas include the District of Columbia, the entire States of Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island, and parts of Maine, Maryland, New Hampshire, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia, as described in § 301.48–3.

These regulations also specify the conditions governing the protection of restricted articles from infestation while in transit (§ 301.48–8), require thorough cleaning of vehicles, containers, and refrigerator cars which have been used in transporting restricted products (§§ 301.48–5 and 13), and provide other safeguards and conditions as specified in the regulations.

To secure permits and certificates, address the Bureau of Entomology and Plant Quarantine, 266 Glenwood Avenue, Bloomfield, N. J., or the nearest branch office listed in the appendix.

DETERMINATION OF THE SECRETARY OF AGRICULTURE

The Secretary of Agriculture, having determined that it was necessary to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle (*Popillia japonica* Newm.), a dangerous insect new to and not theretofore widely prevalent or distributed within and throughout the United States, and having given the public hearing required by law, promulgated the Twelfth Revision of Notice of Quarantine 301.48, Part 301, Chapter III, Title 7, Code of Federal Regulations, and rules and regulations supplemental thereto, governing the movement of (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure, from any of the above-named States or the District of Columbia, into or through any other State or Territory or District of the United States, §§ 301.48–1 to 14, inclusive, Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.–Q., 48, effective on and after March 1, 1937].

For the reason that it appears that the provisions of the quarantine may be safely extended to authorize the Chief of the Bureau of Entomology and Plant Quarantine to modify, by making less stringent, the requirements of the rules and regulations supplemental to the said Notice of Quarantine, I have further determined that the said quarantine should be revised. I have further determined that it is necessary to revise the regulations for the purpose of extending the regulated areas owing to the discovery of substantial infestations of the Japanese beetle in additional sections, and to make other modifications.

ORDER OF THE SECRETARY OF AGRICULTURE

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the subpart entitled "JAPANESE BEETLE" of Part 301, Chapter III, Title 7, Code of Federal Regulations [B. E. P. Q.-Q. 48, as revised] is hereby amended effective February 12, 1941, to read as follows:

Subpart—Japanese Beetle Quarantine

QUARANTINE

§ 301.48 *Notice of Quarantine.*—Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), I do quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle. Hereafter, (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infestation: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

Rules and Regulations

§ 301.48–1. *Definitions.*—For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle.*—The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.

(b) *Infested, infestation.*—The terms "infested," "infestation," and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area.*—Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area.*—Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.48, as revised.

(e) *Fruits and vegetables.*—For the list of restricted fruits and vegetables see § 301.48–5.

(f) *Nursery and ornamental stock.*—Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure.*—Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost, and manure.*—Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse.*—A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in § 301.48–6. This term may apply also to potting beds, heeling-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector.*—An inspector of the United States Department of Agriculture.

(k) *Moved interstate.*—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(l) *Certificate.*—A valid form evidencing compliance with the requirements of these regulations as to movement of restricted articles to points outside the regulated areas.

(m) *Permit.*—A valid form authorizing movement of restricted articles from a regulated area to a restricted destination in a separate regulated area.

§ 301.48–2. *Limitation of restrictions to regulated areas.*—Conditioned upon the compliance on the part of the State concerned with the provisos to § 301.48, the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said § 301.48 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.

§ 301.48–3. *Regulated areas.*—In accordance with the provisos to § 301.48, the Secretary of Agriculture of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut.—The entire State.

Delaware.—The entire State.

District of Columbia.—The entire District.

Maine.—County of York; towns of Auburn and Lewiston, in *Androscoggin County;* towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarboro, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County;* the city of Waterville, in *Kennebec County;* and the city of Brewer, in *Penobscot County.*

Maryland.—Counties of Baltimore, Caroline, Cecil, Harford, Howard, Kent, Montgomery, Queen Annes, Somerset, Talbot, Wicomico, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts Nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31, and 32, in *Allegany County;* the city of Annapolis, and election districts Nos. 2, 3, 4, and 5, in *Anne Arundel County;* all of *Carroll County* except the election districts of Middleburg (No. 10), and Union Bridge (No. 12); election districts of La Plata (No. 1), Pomonkey (No. 7), and White Plains (No. 6), in *Charles County;* election districts of Cambridge (No. 7), Church Creek (No. 9), East New Market (No. 2), Fork (No. 1), Hurlock (No. 15), Vienna (No. 3), and Williamsburg (No. 12), in *Dorchester County;* election districts of Ballenger (No. 23), Braddock (No. 24), Brunswick (No. 25), Buckeystown (No. 1), Burkittsville (No. 22), Emmitsburg (No. 5), Frederick (No. 2), Hauvers (No. 10), Jefferson (No. 14), Middletown (No. 3), New Market (No. 9), Petersville (No. 12), Thurmont (No. 15), and Woodville (No. 18), in *Frederick County;* all of *Prince Georges County* except the election districts of Aquasco (No. 8), and Nottingham (No. 4); election districts of Boonesboro (No. 6), Cavetown (No. 7), Clear Spring (No. 4), Conococheague (No. 13), Funkstown (No. 10),

Hagerstown (Nos. 3, 17, 21, 22, 24, and 25), Halfway (No. 26), Leitersburg (No. 9), Ringgold (No. 14), Sandy Hook (No. 11), Sharpsburg (No. 1), and Williamsport (No. 2), in *Washington County.*

Massachusetts.—The entire State.

New Hampshire.—Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in *Carrol County;* towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County.*

New Jersey.—The entire State.

New York.—Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondago, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County;* city of Auburn and the towns of Fleming, Owasco, and Sennett, in *Cayuga County;* towns of Amherst, Cheektowaga, and Tonawanda, and the cities of Buffalo and Lackawanna, in *Erie County;* towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County;* town of Watertown and city of Watertown, in *Jefferson County;* town of Mount Morris and village of Mount Morris, in *Livingston County;* city of Rochester and town of Brighton, in *Monroe County;* towns of Catherine, Cayuta, Dix, Hector, Montour, and Reading, and the borough of Watkins Glen, in *Schuyler County;* towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and the cities of Corning and Hornell, in *Steuben County;* towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in *Tompkins County;* towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County.*

Ohio.—Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; the city of Coshocton, in *Coshocton County;* the city of Columbus, and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in *Franklin County;* townships of Kirtland, Mentor, and Willoughby, and the villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in *Lake County;* the township of Newark and city of Newark, in *Licking County;* the city of Toledo, in *Lucas County;* the township of Madison and the city of Mansfield, in *Richland County;* townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, the cities of Niles and Warren, and the villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in *Trumbull County.*

Pennsylvania.—The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, the boroughs of Blooming Valley, Cambridge Springs, Cochranton, Conneaut Lake, Conneautville, Geneva, Linesville, Saegerstown, Springboro, Townville, Venango, and Woodcock, and the city of Meadville in *Crawford County:* the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, Le Boeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, Wattsburg, and Wesleyville, in *Erie County*; the townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and the boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in *Mercer County.*

Rhode Island.—The entire State.

Vermont.—Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in *Chittenden County.*

Virginia.—Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Bermuda, Dale, Manchester and Matoaca, in *Chesterfield County*; town of Emporia, in *Greensville County*; magisterial district of Sleepy Hole, in *Nansemond County*; magisterial districts of Hampton, Jackson, and Wakefield, in *Rappahannock County*; magisterial district of Courtland, in *Spotsylvania County*; Camp Stuart, in *Warwick County*; magisterial district of Washington, in *Westmoreland County*; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, South Norfolk, Suffolk, and Winchester.

West Virginia.—Counties of Brooke, Hancock, Harrison, Jefferson, Marion, Monongalia, Ohio, and Taylor; districts of Arden, Falling Waters, Hedgesville, and Opequon, and the city of Martinsburg, in *Berkeley County*; the city of Charleston, in *Kanawha County*; districts of Sand Hill, Union, Washington, and Webster, in *Marshall County*; town of Keyser and district of Frankfort, in *Mineral County*; and the city of Parkersburg, and districts of Lubeck and Tygart, in *Wood County.*

§ 301.48–4. *Extension or reduction of regulated areas.*—The regulated areas designated in § 301.48–3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.

§ 301.48–5. *Restrictions on the movement of fruits and vegetables.* (a) *Control of movement.*—(1) Unless a certificate shall have been issued therefor, by an inspector, except as provided in subdivisions (i) to (iv), inclusive, of this section, no fruits or vegetables of any kind shall be moved interstate via refrigerator car, or motortruck, or in lot shipments of three pieces or more by common carrier, from any of the areas listed below to or through any point outside the regulated areas:

Delaware.—The entire State.

District of Columbia.—The entire District.

Maryland.—Counties of Cecil, Harford, Kent, Queen Annes, Somerset, and Worcester; election district No. 5 in *Anne Arundel County*; the city of Baltimore; all of *Baltimore County* except election districts Nos. 4, 5, 6, and 7; all of *Caroline County* except election districts of American Corners (No. 8), and Hillsboro (No. 6); election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12) in *Dorchester County;* election districts of Elk Ridge (No. 1) and Ellicott City (No. 2), in *Howard County;* election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), and the town of Salisbury, Trappe (No. 7), and Willard (No. 14), in *Wicomico County.*

New Jersey.—Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union; townships of Lodi, Lyndhurst, Overpeck, Rochelle Park, Saddle River, and Teaneck, the cities of Englewood, Garfield, and Hackensack, and the boroughs of Bogota, Carlstadt, Cliffside Park, East Paterson, East Rutherford, Edgewater, Englewood Cliffs, Fair Lawn, Fairview, Fort Lee, Glenn Rock, Hasbrouck Heights, Leonia, Little Ferry, Lodi, Maywood, Moonachie, North Arlington, Palisades Park, Ridgefield, Rutherford, Teterboro, Wallington, and Wood Ridge, in *Bergen County;* townships of Chatham, Chester, Denville, East Hanover, Hanover, Harding, Menham, Morris, Morristown, Parsippany-Troy Hills, Passaic, Randolph, and Washington, and the boroughs of Chatham, Florham Park, Madison, Mendham, and Merris Plains, in *Morris Cunty;* township of Little Falls, the cities of Clifton, Passaic, Paterson, and the boroughs of Haledon, Hawthorne, North Haledon, Prospect Park, Totowa, and West Paterson, in *Passaic County;* townships of Franklin, Greenwich, Lopatcong, Mansfield, Phillipsburg, Pohatcong, and Washington, and the boroughs of Alpha and Washington, in *Warren County.*

Pennsylvania.—Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; townships of Alsace, Amity, Bern, Brecknock, Caernarvon, Colebrookdale, Cumru, District, Douglass, Earl, Exeter, Hereford, Longswamp, Lower Alsace, Maidencreek, Maxatawny, Muhlenberg, Oley, Ontelaunee, Pike, Richmond, Robeson, Rockland, Ruscombmanor, South Heidelberg, Spring, Union,

and Washington, the city of Reading, and the boroughs of Bally, Bechtelsville, Birdsboro, Boyertown, Fleetwood, Kutztown, Lyons, Mohnton, Mount Penn, Saint Lawrence, Shillington, Sinking Spring, Temple, Topton, West Lawn, West Reading, Wyomissing, and Wyomissing Hills, in *Berks County;* township of Lower Allen, and borough of New Cumberland, in *Cumberland County;* townships of Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in *Dauphin County;* townships of Hanover, Lower Macungie, Lower Milford, Salisbury, South Whitehall, Upper Macungie, Upper Milford, Upper Saucon, and Whitehall, the city of Allentown, and the boroughs of Alburtis, Catasauqua, Coopersburg, Coplay, Emaus, Fountain Hill, and Macungie, in *Lehigh County;* townships of Forks, Hanover, Lower Nazareth, Lower Saucon, Palmer, and Williams, the cities of Bethlehem, and Easton, and the boroughs of Glendon, Tatamy, West Easton, and Wilson in *Northampton County;* townships of Chanceford, Conewago, East Hopewell, East Manchester, Fairview, Fawn, Hellam, Hopewell, Lower Chanceford, Lower Windsor, Newberry, and Peach Bottom, and the boroughs of Cross Roads, East Prospect, Fawn Grove, Goldsboro, Hallam, Lewisberry, Manchester, Mount Wolf, Stewartstown, Wrightsville, Yorkana, and York Haven, in *York County.*

Virginia.—Counties of Accomac, Arlington, and Northampton.

Provided, That shipments of fruits and vegetables moving interstate from the area specified in paragraph (a) (1) of this section to other points in the regulated area and subsequently diverted to points outside the regulated area, shall be regarded as direct shipments from the point of origin. As such they require certification:

Provided further, That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this section when in his judgment such action is considered advisable.

(i) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive, except that in the case of movement interstate from the following areas, the exemption applies only during the period from October 16 to May 31, inclusive:

Virginia.—The counties of Accomac and Northampton.

(ii) No certificate or permit will be required for the interstate movement of fruits and vegetables when transported by a common carrier on a through bill of lading either from a point outside the area designated in this section through that area to another outside point, or from the area designated in this section through a nonregulated area to another regulated area, except that a certificate is required for interstate movement from the area specified in paragraph (a) (1) of this section to Toledo, Ohio, and Winchester, Va.

(iii) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(iv) No restrictions are placed on the interstate movement of fruits and vegetables from the area listed in paragraph (a) (1) of this section to the remainder of the regulated area, other than as specified in subdivision (ii) of this section.

(b) *Conditions of certification.*—Certificates may be issued for the interstate movement of fruits and vegetables between June 15 and October 15, inclusive (or between June 1 and October 15, inclusive, when consigned from Accomac County or Northampton County, Va.) under one of the following conditions:

(1) When the fruits and vegetables moving by motortruck or in lot shipments of three pieces or more by common carrier, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the observation of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside the areas designated in this section, and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the areas designated in paragraph (a) (1) of this section, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as fumigated or thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between fumigation or cleaning and loading, such refrigerator car must be tightly closed and sealed. (For further requirements on the cleaning of refrigerator cars, see § 301.48–13.)

(6) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been fumigated in the car, when deemed necessary in the judgment of the inspector, and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.

§ 301.48–6. *Restrictions on the movement of nursery and ornamental stock.* (a) *Control of movement.*—Nursery and ornamental stock as defined in § 301.48–1 shall not be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) The following articles, because of their growth or production, or their manufactured or processed condition, are considered innocuous as carriers of infestation and are therefore exempt from the requirements of certification:

(i) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil; and single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers or small root divisions meeting these conditions, require certification.

(ii) Cut orchids; orchid plants when growing exclusively in Osmunda fiber; Osmunda fiber, Osmundine, or orchid peat (*Osmunda cinnamomea* and *O. claytoniana*).

(iii) (*a*) Floral designs or "set pieces," including wreaths, sprays, casket covers, and all formal florists' designs; bouquets and cut flowers not so prepared are not exempted; (*b*) trailing arbutus, or Mayflower (*Epigaea repens*), when free from soil, and when shipped during the period between October 16 and June 14, inclusive.

(iv) (*a*) Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container of such materials; (*b*) mushroom spawn, in brick, flake, or pure culture form.

(v) (*a*) Sheet moss (*Calliergon schriberi* and *Thuridium recognitum*); (*b*) resurrection plant or bird's-nest moss (*Selaginella lepidophylla*); (*c*) sphagnum moss, bog moss, or peat moss (Sphagnaceae); (*d*) dyed moss, when heat treated and appropriately labeled.

(vi) Soil-free, dried roots incapable of propagation, when appropriately labeled.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement of soil-free aquatic plants, and of portions of plants without roots and free from soil, except that a certificate is required for the movement of cut flowers during the period June 15 to October 15, inclusive.

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required between June 15 and October 15, inclusive, for interstate movement of cut flowers from the main regulated areas to the following-named isolated points: Brewer and Waterville, Maine; Brighton, Buffalo, Hornell, Mount Morris, Rochester, and Watertown, and the town of Hornellsville, Steuben County, N. Y.; or to other regulated parts of Erie, Jefferson, and Livingston Counties, N. Y.; Columbus, Coshocton, Mansfield, Newark, and Toledo, Ohio, or to other regulated parts of Licking and Richland Counties, Ohio; Corry and Erie, Pa.; Burlington, Vt.; Winchester, Va.; and Charleston and Parkersburg, W. Va. No restrictions are placed on the interstate movement of cut flowers from the above-named isolated points.

(b) *Conditions governing the issuance of certificates and permits.*—For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) *Class I.* Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as class I. Upon compliance with the requirements of paragraph (b) (7) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(2) *Class III.* (i) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III, provided (*a*) there are maintained on the premises subdivided class I areas, certified houses, frames, or plots or other certified areas, or (*b*) there is a legitimate need for interstate or intradealer certification of such stock. Such classification will not be granted to nurseries, greenhouses, and other premises that do not maintain certified or subdivided areas and require only infrequent certification. Such classification also may be given to nurseries, etc., where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties under single ownership and management but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(ii) Upon compliance with paragraphs (b) (3), (6), and (7) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (*a*) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (*b*) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or (*c*) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots:

(i) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(ii) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(iii) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (*a*) shall be potted in certified soil; (*b*) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (*c*) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (*d*) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers may be certified for movement either (i) when they have been inspected by an inspector and found free from infestation, or (ii) when they have been grown in a greenhouse of class I or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also paragraph (a) (3) of this section.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (i) That the soil shall be entirely removed from the stock, or (ii) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (iii) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain a class III status shall report immediately on forms provided for that purpose all their sales or shipments of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated area. Certification may be denied to any person who has omitted to make the report required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nurserymen, florists, dealers, and others, in order to maintain a class I status, or to maintain in a class III establishment, a class I subdivision, a certified plot, or a certified greenhouse, (i) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure, secured within the regulated area and intended for use on class I or certified premises, to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the article when moved; (ii) shall obtain approval of the inspector before such articles are received on class I or certified premises or are taken into certified greenhouses; (iii) shall report immediately in writing all purchases or receipts of such articles secured from within the regulated area for use on such premises; and (iv) shall also report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(8) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(9) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be

certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route and when found advisable by the inspector after reinspection and determination of freedom from infestation.

§ 301.48–7. *Restrictions on the movement of sand, soil, earth, peat, compost, and manure.* (a) *Control of movement.*—Sand, soil, earth, peat, compost, and manure shall not be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (i) sand and clay when free from vegetable matter; (ii) greensand marl; and (iii) such other sands and clays as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein, provided that each container of such article shall be labeled on the outside thereof as to nature of contents, except that in the case of bulk shipments such label shall accompany the waybill or other shipping papers.

(2) No restrictions are placed on the *interstate movement of manure, peat, compost, or humus* (i) *when dehydrated, shredded, ground, pulverized, or compressed, or* (ii) *when treated with crude petroleum or any other product having high potency as an insecticide, and when so labeled on the outside of each commercial container of such materials.*

(3) No restrictions are placed on the interestate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(4) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions of certification.* Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (i) is to be moved between October 16 and June 14, inclusive, or (ii) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (iii) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (b) (1), (2), or (3) hereof.

§ 301.48–8. *Conditions governing the protection of restricted articles from infestation while in transit.*—Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection, and all such seals shall remain intact as long as the vehicle is en route within the regulated area.

§ 301.48–9. *Marking and certification a condition of interstate transportation.*—(a) Every box, basket, or other container of restricted articles listed in §§ 301.48–5, 6, and 7 shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.

§ 301.48–10. *General conditions governing inspection and issuance of certificates and permits.*—(a) Persons intending to move interstate any of the articles the movement of which is restricted in §§ 301.48–5, 6, and 7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement from a regulated area through a nonregulated area to another regulated area, via truck or other road vehicle, of articles the interstate movement of which is restricted in §§ 301.48–6 and 7.

§ 301.48–11. *Cancelation of certificates.*—Certificates issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.

§ 301.48–12. *Inspection in transit.*—Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is restricted by these regulations, shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

§ 301.48–13. *Thorough cleaning required of trucks, wagons, cars, boats, and other vehicles and containers before moving interstate.*—Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by these regulations within the regulated areas shall not thereafter be moved interstate until they have been thoroughly swept and cleaned by the carrier at a point within the regulated area. Refrigerator cars originating in the area designated in § 301.48–5 into which fruits or vegetables are to be loaded for interstate movement from any regulated area shall be thoroughly swept or cleaned or fumigated prior to loading as may be required by the inspector.

§ 301.48–14 *Shipments for experimental and scientific purposes.*—Articles subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identify-

ing tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

Done at Washington, D. C., this 8th day of February 1941.

Witness my hand and the seal of the United States Department of Agriculture.

CLAUDE R. WICKARD,
Secretary of Agriculture.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 266 Glenwood Avenue, Bloomfield, N. J.

Subsidiary offices are maintained at the following locations:

Connecticut: Agricultural Experiment Station, 123 Huntington Street, New Haven, Conn.
Delaware: Room 210, New Post Office Building, Dover, Del.
Maryland:
Room 306, Post Office Building, Calvert and Fayette Streets, Baltimore, Md.
Japanese Beetle Inspection, Plant Introduction Garden, Glenn Dale, Md.
Washington County Annex Building, Hagerstown, Md.
Room 202, New Post Office Building, Main Street, Salisbury, Md.
Massachusetts: 144 Moody Street, Waltham, Mass.
New Jersey:
Kotler Building, Main and High Streets, Glassboro, N. J.
P. O. Box 1, Trenton, N. J., or Yardville Road, White Horse, N. J.
New York:
Room 838, 641 Washington Street, New York, N. Y.
Room 200, 2507 James Street, Syracuse, N. Y.
Ohio: 21065 Euclid Avenue, Euclid, Ohio.
Pennsylvania:
Room 303, Post Office Building, Harrisburg, Pa.
6905 Torresdale Avenue, Philadelphia, Pa.
Room 438–K, New Post Office Building, Pittsburgh, Pa.
Virginia:
Room 217, New Federal Building, Granby Street and Brambleton Avenue, Norfolk, Va.
17 North Boulevard, Richmond, Va.
West Virginia:
County Agent's Office, Courthouse Building, Clarksburg, W. Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling Republic 4142, branch 2598, inspection house of the Bureau of Entomology and Plant Quarantine, 224 Twelfth Street SW., Washington, D. C.

GENERAL OFFICES OF STATES COOPERATING

Department of Entomology, Agricultural Experiment Station, New Haven, Conn.
Board of Agriculture, Dover, Del.
State horticulturist, Augusta, Maine.
Department of Entomology, University of Maryland, College Park, Md.
Division of Plant Pest Control, Department of Agriculture, Statehouse, Boston, Mass.
Deputy commissioner, Department of Agriculture, Durham, N. H.
Bureau of Plant Industry, Department of Agriculture, Trenton, N. J.
Bureau of Plant Industry, Department of Agriculture and Markets, Albany, N. Y.
Division of Plant Industry, Department of Agriculture, Columbus, Ohio.
Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.
Bureau of Entomology, Department of Agriculture, Statehouse, Providence, R. I.
Entomologist, Department of Agriculture, Montpelier, Vt.
Division of Plant Industry, Department of Agriculture and Immigration, Richmond, Va.
State entomologist, Department of Agriculture, Charleston, W. Va.

[Copies of the foregoing revision were sent to all common carriers doing business in or through the quarantined area.]
[Filed with the Division of the Federal Register February 10, 1941, 3 : 09 p. m.; 6 F. R., 909.]

NOTICE TO GENERAL PUBLIC THROUGH NEWSPAPERS

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 8, 1941.

Notice is hereby given that the Secretary of Agriculture, under authority conferred on him by the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), has promulgated a revision of the Japanese beetle quarantine (Notice of Quarantine No. 48) and the regulations supplemental thereto, effective on and after February 12, 1941. New areas brought within the regulated areas include parts or all of the following counties: Baltimore, Carroll, Charles, Dorchester, Frederick, Howard, Montgomery, Washington, and Wicomico, Md.; Cayuga, N. Y.; Butler, Crawford, Erie, Forest, Mercer, Venango, and Warren, Pa.; Chesterfield, Greensville, and Rappahannock, Va.; Marshall and Ohio, W. Va. Also the cities of Petersburg and Winchester, Va. The area from which the movement of fruits and vegetables is regulated (regulation 5), has been extended to include additional areas in Baltimore and Howard Counties, Md., and Berks, Lehigh, Northampton, and York Counties, Pa., and to bring in part of Cumberland County, Pa. Metropolitan New York localities and adjoining area in Fairfield County, Conn., are no longer included in this special area. There are modifications with reference to fruit and vegetable shipments to isolated points, and requirements as to certification of bananas, and other changes. Copies of the revised regulations may be obtained from the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[Published in the following newspapers: The Press, Cleveland, Ohio, February 19, 1941; the Gazette, Charleston, W. Va., February 19, 1941; the News Leader, Richmond, Va., February 18, 1941; the Free Press, Burlington, Vt., February 19, 1941; the Bulletin, Philadelphia, Pa., February 18, 1941; the Times, New York, N. Y., February 19, 1941; the News, Newark, N. J., February 19, 1941; the Union-Leader, Manchester, N. H., February 19, 1941; the Post, Boston, Mass., February 20, 1941; the Sun, Baltimore, Md., February 19, 1941; the Press-Herald, Portland, Maine, February 19, 1941; the Journal-Every Evening, Wilmington, Del., February 18, 1941; the Bulletin, Providence, R. I., February 19, 1941; the Times, Hartford, Conn., February 18, 1941; and the Evening Star, Washington, D. C., February 19, 1941.]

ANNOUNCEMENTS RELATING TO MEXICAN FRUITFLY QUARANTINE (NO. 64)

FRUITFLY QUARANTINE MODIFIED TO EXTEND VALENCIA ORANGE HARVEST IN TEXAS AREA

(Press notice)

JANUARY 10, 1941.

To provide for more orderly marketing of this year's large crop of Valencia oranges in Brooks, Willacy, Cameron, and Hidalgo Counties, Tex., the United States Department of Agriculture today announced the extension of the harvest season to May 31, from April 30, the date set in the Department's Mexican fruitfly quarantine regulations. These regulations require a fruit-free period between harvests to prevent fruitfly infestations in the lower Rio Grande Valley. April 30 had been set as the date when all citrus fruit must be off the trees. It remains the date for the closing of the grapefruit harvest season.

Lee A. Strong, Chief of the Bureau of Entomology and Plant Quarantine, said that extension of the harvesting season for Valencia oranges will not increase the hazard of fruitfly infestation in the United States. Valencia oranges are not preferred hosts of the fruitfly and seldom are infested by it. Plant quarantine inspectors will make an extensive inspection of the groves during the extra month the oranges are allowed to remain on the trees. Should this inspection reveal any fruitfly infestation, Dr. Strong said, steps necessary to prevent its dissemination through interstate movement of the fruit will be taken.

The extension was announced after consultation with the Texas State Department of Agriculture, which concurred. Quarantine officials of the State Department of Agriculture of Texas and of the United States Department of Agriculture count on the cooperation of growers and packers that has been extended in the past.

B. E. P. Q. 512

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301. DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS MODIFYING THE RESTRICTIONS OF THE MEXICAN FRUITFLY QUARANTINE BY EXTENDING THE HARVESTING SEASON ON VALENCIA ORANGES FROM APRIL 30 TO MAY 31, 1941

§ 301.64–5c *Administrative instructions; modifying the restrictions of the Mexican fruitfly quarantine by extending the harvesting season on Valencia oranges from April 30 to May 31, 1941.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the third proviso of Section 301.64, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 64], it having been determined by me that a modification may be safely made without increasing the risk of spread of the Mexican fruitfly, Section 301.64–5(a) [subsection (a) of regulation 5 supplemental to this quarantine] is hereby modified to extend the harvesting season for Valencia oranges for the Texas Counties of Brooks, Willacy, Cameron, and Hidalgo to the close of May 31 for the year 1941, provided conditions of infestation do not necessitate an earlier closing date.

The host-free period for Valencia oranges, under this modification, will begin June 1 and continue to August 31, 1941, inclusive.

This modification does not affect or alter the harvesting season for grapefruit which closes, under the conditions of the above regulation, on April 30.

Done at Washington, D. C., this 30th day of December 1940.

LEE A. STRONG,
Chief, Bureau of Entomology and Plant Quarantine.

[Filed with the Division of the Federal Register January 6, 1941, 11:43 a. m.; 6 F. R., 120.]

ANNOUNCEMENTS RELATING TO WHITE-FRINGED BEETLE QUARANTINE (NO. 72)

B. E. P. Q. 485, Seventh Revision.

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301.—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE

ADMINISTRATIVE INSTRUCTIONS—REMOVAL OF CERTIFICATION REQUIREMENTS FOR SPECIFIED ARTICLES FOR A LIMITED PERIOD

§ 301.72a. *Administrative instructions; removal of certification requirements for specified articles for a limited period.* (a) Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.72, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 72, on account of the white-fringed beetle], all certification requirements are hereby waived during the period specified below for the following articles enumerated in § 301.72–3 [regulation 3] when free from soil and when sanitation practices are maintained to the satisfaction of the inspector.

(1) When moved interstate from any regulated area, certification requirements are waived from February 1, 1941, until May 1, 1941, for potatoes and sweetpotatoes.

(2) When moved interstate from any regulated area, certification requirements are waived from February 1, 1941, until June 1, 1941, for the following articles:

Bird sand and bird gravel in packages of 5 pounds or less.
Ground peat in amounts not to exceed 5 pounds per package.
Orchid plants growing exclusively in Osmunda fiber.
Osmunda fiber (commonly known as Osmundine, or orchid peat).

It has been determined that the methods under which such articles and materials are produced and handled, or the application of control measures and the maintenance of sanitation practices, eliminate risk of spread of the white-fringed beetle, thereby justifying the removal of certification requirements as set forth above.

(b) Except as specified in paragraphs (1) and (2) above, all soil, earth, sand, clay, peat, compost, and manure whether moved independent of, or in connection with or attached to nursery stock, plants, products, articles, or things, shall remain under the restrictions of § 301.72–3 [Regulation 3] throughout the year.

This revision supersedes all previous issues of circular B. E. P. Q. 485.

Done at Washington, D. C., this 24th day of January 1941.

LEE A. STRONG,
Chief, Bureau of Entomology and Plant Quarantine.

[Filed with the Division of the Federal Register January 28, 1941, 11:23 a. m.; 6 F. R., 645.]

INSTRUCTIONS TO POSTMASTERS

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, February 5, 1941.

POSTMASTER:

MY DEAR SIR: Attention is invited to the inclosed administrative instructions (B. E. P. Q. 485, Seventh Revision), issued by the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, in connection with Federal Quarantine Order No. 72, on account of the white-fringed beetle.

Postmasters in the quarantined areas will please be governed accordingly. See paragraph 1, section 595, Postal Laws and Regulations.

Very truly yours,

RAMSEY S. BLACK,
Third Assistant Postmaster General.

B. E. P. Q. 503
Second Revision

February 28, 1941

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE

REGULATIONS MODIFIED

§ 301.72–5c *Administrative instructions modifying the restrictions of the white-fringed beetle quarantine by authorizing treatment by methyl bromide solution of balled nursery stock of specified thickness. Introductory note.* The instructions in circular B. E. P. Q. 503 authorizing the treatment of nursery stock by a solution of methyl bromide, as last revised (March 15, 1940), provided for specified treatments of larvae of each of the species of white-fringed beetle, *Pantomorus leucoloma* Boh., the more common species, and *P. peregrinus* Buch., the new species. As a result of further investigations, the instructions are revised to provide for a modified treatment applying to both species and to all regulated areas other than in New Orleans and vicinity. The treatment authorized in the last revision of the circular is continued for the New Orleans area for the reason that the consistency of the soil in that area is such that the treatment can be used effectively only on soil balls not greater than 7 inches in diameter. In other areas, effective results are obtained on soil balls up to 8 inches in diameter. The specifications for treatment in the New Orleans area are brought forward in the instructions which follow.

(a) *Treatment authorized.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by subsection (a) of § 301.72–5, Chapter III, Title 7, Code of Federal Regulations (Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle), the following method of treatment for balled plants is hereby authorized when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(b) *Type of material authorized.* (1) *In Orleans Parish, including the city of New Orleans, and Saint Bernard Parish, La.* The treatment shall be applied only to plants in soil balls not greater than 7 inches in diameter nor greater than 7 inches in thickness when not spherical.

(2) *In all regulated area other than the parishes of Orleans and Saint Bernard, La.* The treatment shall be applied only to plants in soil balls not greater than 8 inches in diameter nor greater than 8 inches in thickness when not spherical.

(c) *Treatment method.* (1) *In all regulated areas.*

(i) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays approximately 1 foot deep, which are watertight.

(ii) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(iii) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(iv) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(2) *Exposure and temperature.* (i) *In Orleans Parish including the city of New Orleans, and Saint Bernard Parish, La.* After the required dosage has

been applied, the soil balls shall remain embedded in the sand for a period of 8 hours. The temperature of the soil balls during the treatment shall not be lower than 65° F.

(ii) *In all regulated areas other than Orleans Parish and Saint Bernard Parish, La.* After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 8 hours. The temperature of the soil balls during the treatment shall not be lower than 55° F.

(d) *Disclaimer.* There has been opportunity to test this treatment on only relatively few varieties of plants, and it is understood that no liability shall attach either to the United States Department of Agriculture or its employees in the event of injury to either plants or operators.

(e) *Caution.* Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless, and in preparing the solution the operator should wear an approved gas mask.

This revision supersedes all previous issues of circular B. E. P. Q. 503.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[Filed with the Division of the Federal Register February 28, 1941, 11:36 a. m.; 6 F. R. 1207.]

B. E. P. Q. 486, revised. March 21, 1941

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE REGULATIONS MODIFIED

§ 301.72–5b *Administrative instructions modifying the restrictions of the white-fringed beetle quarantine by authorizing alternative treatments by methyl bromide fumigation of plants in pots or in soil balls. Introductory note.*—The instructions in circular B. E. P. Q. 486, issued January 28, 1939, provided for treatment of balled and burlapped nursery stock by methyl bromide fumigation for larvae of the white-fringed beetle and limited the treatment to plants in 3-inch pots or in 3-inch soil balls, and provided for an exposure of 4 hours with a dosage of 1 pound of methyl bromide per 1,000 cubic feet at atmospheric pressures and a temperature of not less than 85° F. As a result of more recent investigations, the instructions are now revised to provide also that soil balls not greater than 11 inches in diameter, nor thicker than 11 inches if not spherical, may be fumigated under partial vacuum, equivalent to at least 24.5 inches of mercury, with a dosage of 4 pounds of methyl bromide per 1,000 cubic feet of chamber space, with an exposure of 1½ hours, at a minimum temperature of 75° F. These treatments are applicable to both species of the white-fringed beetle, *Pantomorus leucoloma* Boh. and *P. peregrinus* Buch.

(a) *Treatments authorized.*—Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by subsection (a) of § 301.72–5, Chapter III, Title 7, Code of Federal Regulations (Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle), the following methods of treatment for certain kinds and sizes of potted and balled and burlapped plants are hereby authorized, when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(b) *Fumigation treatment at atmospheric pressures.*—(1) Fumigation must be done with methyl bromide at a dosage of 1 pound per 1,000 cubic feet, including the space occupied by the plants, for a period of 4 hours, the soil masses and the air in the fumigation chamber to be at a temperature of not less than 85° F.

(2) Such fumigation shall apply only to those plants in 3-inch pots or smaller, or in soil balls not larger than those which would be contained in 3-inch pots, and the plants shall be stacked on racks so that the gas mixture can have access to all sides of the pots or the soil balls.

(3) The fumigation shall be done in a tight chamber with gas-tight doors.

(4) After the chamber is loaded and closed, the appropriate amount of methyl bromide shall be volatilized therein, and the air-gas mixture shall be

circulated by means of a fan or blower throughout the entire 4-hour fumigation period.

(5) The use of a fumigation chamber, lined with sheet metal throughout and with a metal-covered door closing against gaskets and held tightly in place by refrigerator door fasteners, is recommended.

(c) *Fumigation treatment under partial vacuum.*—(1) Fumigation under a partial vacuum equivalent to at least 24.5 inches of mercury must be done with a dosage of 4 pounds of methyl bromide per 1,000 cubic feet of chamber space, including the space occupied by the commodity, with an exposure of 1½ hours, the vacuum to be maintained throughout the entire period.

(2) The temperature of the soil balls shall be 75° F. or above, and the diameter of the soil balls shall be not greater than 11 inches if spherical, or thicker than 11 inches if not spherical.

(3) The fumigant-air mixture shall be circulated in the fumigation chamber by means of a fan the first 15 minutes of the exposure period to mix the vaporized fumigant thoroughly with the air in the chamber and bring it in contact with the surface of the soil balls. The soil balls shall be washed with one or more changes of air at the end of the exposure period.

(4) A standard vacuum fumigation chamber which can be closed tight and will withstand an external pressure of at least one atmosphere is required. A vacuum pump of sufficient capacity to reduce the pressure within the vacuum chamber to the equivalent of 3 inches of mercury (a 27-inch vacuum at sea level) in not more than 20 minutes is necessary.

(d) *Disclaimer.*—In authorizing the movement of potted plants or nursery stock fumigated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury resulting from the use of the fumigant.

(e) *Caution.*—Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of plants. It is a poison, and the operator should use an approved gas mask when exposed to the gas at concentrations used in fumigation. The plants in the fumigation chamber should be well aerated by blowing air through them and the room adequately ventilated before it is entered.

This circular supersedes all instructions set forth in circular B. E. P. Q. 486 dated January 28, 1939.

AVERY S. HOYT,
Acting Chief.

[Filed with the Division of the Federal Register March 21, 1941, 11:37 a. m.; 6 F. R., 1572.]

B. E. P. Q. 489, revised. March 21, 1941.

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE REGULATIONS MODIFIED

§ 301.72–5a *Administrative instructions modifying white-fringed beetle quarantine regulations authorizing treatment of potting soil. Introductory note.* Further experimental work by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture indicates that complete mortality of the various stages of the white-fringed beetles (*Pantomorus leucoloma* Boh. and *P. peregrinus* Buch.), in potting soil, can be obtained by fumigating the soil at a dosage of 2 pounds of carbon disulphide per cubic yard. The instructions in Circular B. E. P. Q. 489, issued on January 28, 1939, which authorized treatment of potting soil either by fumigation with methyl bromide or by heating, as a prerequisite to certification are herein extended to provide that carbon disulphide fumigation may also be employed as a method of treatment of potting soil for control of the white-fringed beetles. The specifications for the two treatments formerly authorized are brought forward unchanged in the instructions which follow and this circular supersedes all instructions set forth in Circular B. E. P. Q. 489 dated January 28, 1939.

(a) *Treatments authorized.*—Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by subsection (a) of

§ 301.72–5, Chapter III, Title 7, Code of Federal Regulations (Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle) any one of the following methods of treatment for potting soil is hereby authorized when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(b) *Carbon disulphide fumigation.*—(1) Potting soil shall be treated in a container with carbon disulphide at a dosage of 2 pounds per cubic yard of soil for a period of 48 hours.

(2) The grade of carbon disulphide shall be comparable to U. S. P. grade having a specific gravity of 1.25 at 68° F.

(3) The container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied. The container shall not be more than 36 inches deep.

(4) The soil shall be friable, and wet soil shall not be treated by this method. The fumigant shall be applied to the soil in holes 3 inches deep, the dosage to be evenly divided among holes 1 foot apart over the surface of the soil, and the fumigant shall be covered with soil as soon as it is applied.

(5) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(6) The condition of the soil and the apparatus used and the method of application of the fumigant must meet with the approval of an authorized inspector of the United States Department of Agriculture.

(c) *Methyl bromide fumigation.*—(1) Potting soil must be treated in a container with methyl bromide in a dosage of 40 cubic centimeters of methyl bromide per cubic yard of soil for a period of 48 hours.

(2) The sides, bottom, and seams of the container shall be tight, preferably lined with sheet metal, and shall have a cover or be covered with a tarpaulin immediately after the fumigant is applied.

(3) The condition of the soil and the apparatus used and the method of application of the fumigant must meet the approval of an authorized inspector of the United States Department of Agriculture.

(d) *Heat treatment.*—(1) Live steam, under pressure of 80 pounds or more per square inch, shall be applied through a grid of perforated pipes at the bottom of the sterilizing box or truck body containing the soil, for a period of 45 minutes or until all parts of the load reach a temperature of 200° F.

(2) The grids shall be constructed of 1-inch pipes, perforated with holes $\frac{1}{32}$ inch in diameter on the upper side and connecting at one end to a manifold into which the steam is introduced.

(3) The layer of soil in the sterilizing box shall not be more than 2 feet, 6 inches deep.

(e) *Disclaimer.*—In authorizing the movement of potting soil treated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury resulting from the use of these treatments.

(f) *Caution.*—(1) The vapor of carbon disulphide is inflammable and explosive. At a temperature of 297° F. it may take fire spontaneously and in the presence of certain metals, particularly copper, it may ignite at considerably lower temperatures. It must be kept away from fire, and from hot objects such as electric light bulbs, unprotected brush-type motors, steam pipes, etc. Lighted cigars, cigarettes, or pipes must never be brought near carbon disulphide.

Carbon disulphide is a blood poison, but poisoning by this chemical is rare. Exposure to the vapor may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

(2) Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of plants. It is a poison, and the operator should use an approved gas mask when exposed to the gas at concentrations used in fumigation. After fumigation of potting soil by that method, the cover should be removed and the soil allowed to become aerated.

AVERY S. HOYT,
Acting Chief.

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MISCELLANEOUS ITEMS

IMPORTATION OF FRUITS, VEGETABLES, PLANTS, AND MEATS INTO THE UNITED STATES

Circular
No. 178.

TREASURY DEPARTMENT,
UNITED STATES COAST GUARD,
Washington, D. C., 25 March, 1941.

1. The entry into the United States of certain foreign-grown fruits, vegetables, plants, and plant products is controlled by quarantine or other restrictive orders issued by the United States Department of Agriculture to reduce or eliminate the danger of introducing insect pests and plant diseases into this country.

2. Importation in this case is construed as bringing into the waters of the United States, whether actually landed or not, and applies to small quantities as well as large, even to one fruit or vegetable.

3. In order that the regulations of the Department of Agriculture may be fully complied with and no prohibited or infested articles brought into the United States aboard coast guard vessels or aircraft, it is directed that the commanding officer of a coast guard vessel or the pilot of a coast guard aircraft arriving at a United States port from a port outside the continental limits of the United States (Hawaii and Puerto Rico particularly)—

(a) Communicate without delay with the district commander (by radio, if possible, before entering the waters or the air over the waters of the United States) regarding the regulations governing the importation of these items and insure that no prohibited fruits or vegetables are on board;

(b) Then report to the district commander (by radio, if possible, before entering the waters or the air over the waters of the United States) what remaining fruits and vegetables taken from foreign ports are on board;

(c) Afford the facilities for and permit a thorough examination of the ship or aircraft by inspectors of the Department of Agriculture who may come aboard to determine whether infestation exists on the ship or aircraft.

4. District commanders will keep themselves informed of the regulations and procedure of the Department of Agriculture relative to the subject matter and cooperate to carry out the provisions of this order.

5. In view of the prevalence of rinderpest and foot-and-mouth disease among cattle in foreign countries, fresh and frozen meats procured by vessels or aircraft in foreign ports shall not be landed in United States ports either as meat or garbage. Commanding officers of coast guard vessels and pilots of coast guard aircraft are strictly enjoined to see that these regulations are carried out.

R. R. WAESCHE,
Commandant.

B. E. P. Q. 379 (Revised).

PLANT-QUARANTINE IMPORT RESTRICTIONS, REPUBLIC OF BRAZIL

MARCH 10, 1941.

NOTICE.—The supply of circular B. E. P. Q. 379, issued July 19, 1935, was exhausted and this revision is merely to replenish the supply of the original circular into which Supplement No. 1, dated September 1, 1936, on the required disinfection of chestnuts, and Supplement No. 2, dated April 5, 1938, on the waiving of the certificate of origin and plant health for processed plant products, have been incorporated into the body of the circular.

B. E. P. Q. 379, Superseding P. Q. C. A. 294.

PLANT-QUARANTINE IMPORT RESTRICTIONS, REPUBLIC OF BRAZIL

JULY 19, 1935.

This summary of the plant-quarantine import restrictions of the Republic of Brazil has been prepared for the information of nurserymen, plant quarantine officials, and others interested in the exportation of plants and plant products to

that country. It includes the regulations of chapters I and II of Brazilian decree No. 24114 of April 12, 1934, pertaining to the importation of plants and plant products (superseding decree No. 15189 of Dec. 21, 1921, and those of the resolution of Nov. 19, 1934).

The summary was compiled by Harry B. Shaw, Plant Quarantine Inspector in charge of Foreign Service Information of the Division of Foreign Plant Quarantines, from his translations of the original texts, and reviewed by Ing. Agron. Eugenio G. Bruck, Assistant, Brazilian Plant Protection Service (Serviço de Defesa Sanitaria Vegetal).

The information contained in this circular is believed to be correct and complete up to the time of publication, but it is not intended to be used independently of, nor as a substitute for, the original texts of the decrees, and it is not to be interpreted as legally authoritative. The decrees themselves should be consulted for the exact texts.

LEE A. STRONG,
Chief, Bureau of Entomology and Plant Quarantine.

PLANT-QUARANTINE IMPORT RESTRICTIONS, REPUBLIC OF BRAZIL

BASIC LEGISLATION

Decree No. 14356, September 15, 1920 (Art. 10), Regulations of the Biological Institute of Agricultural Protection.

Decree No. 15189, December 21, 1921, Regulations of the Plant Protection Service.

Decree No. 24114, April 12, 1934, Regulations of the Plant Protection Service.

CONCISE SUMMARY

IMPORTATION, COMMERCE, TRANSIT, AND EXPORTATION PROHIBITED

(Decree No. 24114, of Apr. 12, 1934, art. 1, p. 8)

Plants and parts of plants including stocks, scions, cuttings, layers, fruits, seeds, roots, tubers, bulbs, rhizomes, leaves, and flowers, if they are carriers of injurious diseases and pests.

Live insects, mites, nematodes, and other harmful plant parasites, in any stage of development.

Cultures of bacteria, and fungi injurious to plants.

Cases, boxes, sacks, or other packing materials that may have served for the transportation of the products named in this article.

Soils, composts, or plant products that may contain cryptogams, insects, or other harmful plant parasites in any stage of development, whether or not they accompany live plants.

IMPORTATION PROHIBITED FROM ALL COUNTRIES

(Resolution of Nov. 19, 1934, art. 1, p. 10)

Banana (*Musa* spp.): Seedlings and pseudo-bulbs (bits).

Cocoa (*Theobroma cacao* L.): Stocks, fruits, and seeds.

Coffee (*Coffea* spp.): Stocks berries, and seeds; seedlings of other Rubiaceae.

Cottonseed and seed cotton (*Gossypium* spp).

Rutaceae: Including stocks, seeds, and buds of the genera *Citrus*, *Poncirus*, *Fortunella*, *Evodia*, *Melicope*, *Casimoroa*, and *Toddalia*.

Sugarcane (*Saccharum officinarum* L.): Seedlings, cuttings, and seeds.

IMPORTATION PROHIBITED FROM PARTICULAR COUNTRIES

Eucalyptus: Seeds and stocks produced in Argentina, Australia, New Zealand, and the Union of South Africa.

IMPORTATION RESTRICTED

Plants and plant products otherwise prohibited may be imported by the Ministry of Agriculture for experimental purposes. (Decree No. 24114, Apr. 12, 1934, art. 1 (2); Resolution of Nov. 19, 1934, art. 1 (1).) See p. 10.

Useful insects, bacteria, and fungi: Importation may be permited by the Ministry of Agriculture through an order. (Decree No. 24114, Apr. 12, 1934, art. 1 (3).) See p. 4.

Alfalfa (*Medicago* spp.), and clover (*Trifolium* spp.) seeds: Federal phytosanitary certificate, also declaring freedom from dodder seeds (*Cuscuta* spp.). (Resolution of Nov. 19, 1934, art. 2.) See p. 10.

Chestnuts (*Castanea vulgaris*): Certification of disinfection required. See p. 14.

Cotton (*Gossypium* spp.), and broomcorn, *Holcus* (*Andropogon*) *sorghum* var. *technicus* L.: Federal fumigation certificate required. (Resolution of Nov. 19, 1934, art. 5.) See p. 11.

Corn (*Zea mays* L.): Federal phytosanitary certificate affirming that the corn included in the shipment originated in a region free from European corn borer (*Pyrausta nubilalis* Hubn.). (Resolution of Nov. 19, 1934, art. 4.) See p. 11.

Potatoes (*Solanum tuberosum* L.): Federal certificate affirming freedom from *Synchytrium endobioticum* (Schilb.) Perc., *Spongospora subterranea* (Wahr.) Johnson, *Gnorimoschema operculella* Zell., and *Leptinotarsa decemlineata* Say. (Resolution of Nov. 19, 1934, art. 3.) See p. 10.

Seed potatoes: To be officially certified also as to the freedom of the crop from virus diseases and that the tubers have been disinfected. (Resolution of Nov. 19, 1934, art. 3 (1); Decree No. 21734, Aug. 16, 1932.) See p. 13.

IMPORTATION UNRESTRICTED

Almonds, *Prunus* (*Amygdalus*) *communis* L.; anise (*Pimpinella anisum* L.), bird seeds, cloves, India (*Eugenia aromatica* (L.) O. Kze.), cumin (*Cuminum cyminum* L.), garlic (*Allium sativum* L.), millet (*Chaetochloa italica* (L.) Scribn.) nuts, hazel (*Corylus* spp.), onions (*Allium cepa* L.), and pepper, black (*Piper nigrum* L.). (Resolution of Nov. 19, 1934, art. 6.) See pp. 11 & 12.

Barley (*Hordeum vulgare* L.), oats (*Avena sativa* L.), rye (*Secale cereale* L.), wheat (*Triticum aestivum* L.), and flax seed (*Linum usitatissimum* L.) for human consumption and industrial purposes. (Resolution of Nov. 19, 1934, art. 6 (1).) See p. 12.

Processed plant products may be imported without certification, subject only to inspection upon arrival. The inspection may be dispensed with in case the products are recognized as incapable of harboring parasites. See p. 15.

General Regulations

(Promulgated by Decree No. 24114 of Apr. 12, 1934, superseding those of Decree No. 15189 of Dec. 21, 1921)

IMPORTATION PROHIBITED

Article 1. Under the conditions hereinafter prescribed, the importation, commerce, transit, and exportation are prohibited of:

(*a*) Plants and parts of plants, such as stocks, scions, cuttings, layers, fruits, seeds, roots, tubers, bulbs, rhizomes, leaves, and flowers, when they are carriers of injurious diseases and pests;

(*b*) Live insects, mites, nematodes, and other harmful plant parasites, in any stage of development;

(*c*) Cultures of bacteria and fungi injurious to plants;

(*d*) Cases, sacks, or other packing materials which may have served for the transportation of the products named in this article;

(*e*) Soils, composts, or plant products that may contain cryptogams, insects, or other harmful plant parasites in any stage of development, whether or not they accompany living plants.

PLANTS WITH SOIL TO BE DISINFECTED

(1) Certain species of plants, according to the judgment of the Plant Protection Service (Servico de Defesa Sanitaria Vegetal), may be admitted to importation with soil subject to obligatory disinfection and the substitution of the soil on arrival.

IMPORTATION OF PROHIBITED PLANT MATERIAL FOR EXPERIMENTAL PURPOSES

(2) The Ministry of Agriculture may permit the importation of the plant material named in paragraphs *a*, *b*, *c*, and *e* of this article, only for experimental purposes in scientific establishments of Brazil, subject to preventive measures which will be prescribed in each case by the National Council for Agricultural Protection (Conselho Nacional de Defesa Agricola).

USEFUL INSECTS, BACTERIA, AND FUNGI ADMITTED

(3) The Ministry of Agriculture may permit, by Order, after hearing the National Council for Agricultural Protection, the introduction into the country of species of insects, fungi, bacteria, etc., recognized as useful, to which the prohibitions under letters *b* and *c* of this article do not apply.

SPECIAL RESTRICTIONS OR PROHIBITIONS MAY BE ESTABLISHED

ART. 2. Independently of the provisions of article 1, the Ministry of Agriculture may prohibit, or establish special conditions for the importation of any plant, part thereof, or agricultural product which proceeds from any country suspected of being or which actually is invaded by diseases and pests whose introduction into the country may constitute a menace to the national cultures.

The Ministry of Agriculture will determine, by Order, which products and respective countries of origin are comprehended within this article.

IMPORTATION RESTRICTED OF PLANTS AND PARTS OF PLANTS

AUTHORIZED PORTS OF ENTRY

ART. 3. The importation of plants and parts of plants will be permitted only through ports and frontier stations in which the Plant Protection Service shall have been established.

The Ministry of Agriculture will determine periodically, by Order, which ports and frontier stations have been equipped for the purposes of this article. (See article 7, Resolution of Nov. 19, 1934.)

REQUIREMENTS FOR CONSULAR VISA

ART. 4. Brazilian consuls in foreign countries will not legalize invoices for plants or parts of plants unless all the requirements of Brazilian phytosanitary legislation have been complied with.

ART. 5. Besides other measures that have been taken by the Ministry of Agriculture, consuls must observe the following:

(*a*) Require, for the legalization of invoices, that there be presented to him for visa the official certificate of origin and plant health issued by the competent authority of the Plant Protection Service of the country of origin.

(*b*) Require with the phytosanitary certificates the special declarations established by Orders of the Ministry of Agriculture for the importation of certain species and plant products.

CERTIFICATES NOT REQUIRED WITH PLANT PRODUCTS INTENDED FOR FOOD, MANUFACTURING, AND MEDICINAL PURPOSES

(*c*) Dispense with the phytosanitary certificate only when products intended for food, manufacturing, medicinal, and ornamental purposes are concerned, which in the terms of article 13 have unrestricted entry into Brazil, in virtue of Orders of the Ministry of Agriculture.

(*d*) Ascertain, in accordance with article 3, whether the products to be exported (to Brazil) are intended for a port or frontier station at which the Plant Protection Service is established.

(*e*) Determine whether or not the plants or parts of plants are included in prohibitions established by these regulations or by Orders of the Ministry of Agriculture.

(*f*) Grant invoices for products whose importation is prohibited only when authorized to do so by the Ministry of Agriculture, through the intermediary of Foreign Relations.

NOTICE OF ARRIVAL

ART. 6. For the purposes of these regulations, the Ministry of Finance, through its customhouses and stations, will immediately notify the technical official of the plant protection service having jurisdiction in the port or frontier station, of the arrival and foreign source of origin of any plants or parts of plants.

Identical notification will be made by the Ministry of Supervision and Public Works (Ministerio da Viacão e Obras Publicas), through the Department of Posts and Telegraphs (Departamento dos Correios e Telegrafos), with respect to plants and parts of plants imported by mail.

NO RELEASE OF PLANT MATERIAL WITHOUT TECHNICAL AUTHORIZATION

ART. 7. In no case will the Departments referred to in the preceding article permit the clearance of plants or parts of plants without the respective authorization of the technical official of the Plant Protection Service.

(1) That authorization will be obtained through an application by the importer or his broker, who will furnish the following to that official:

(*a*) The certificate of origin and plant health of the country of origin, legalized by the Brazilian consul;

(*b*) Complete information on the products to be cleared, including that necessary to establish their identity.

CHARACTER OF PHYTOSANITARY CERTIFICATE [3]

(2) The certificate in question must be signed by the competent authority of the plant protection service of the exporting country and indicate:

(*a*) Quantity and kind of containers;
(*b*) Weight and marks;
(*c*) Vessel and date of sailing;
(*d*) Description of plants and parts of plants;
(*e*) Place where grown;
(*f*) Name of exporter;
(*g*) Name and address of consignee;
(*h*) Date of inspection;
(*i*) Attestation that the products exported are deemed free from diseases and pests injurious to crops.

CERTIFICATE NOT OBLIGATORY FOR SMALL MAIL OR BAGGAGE SHIPMENTS

ART. 8. The certification requirements of the preceding article may be dispensed with for small shipments of plants and parts of plants imported by mail, including mail orders, registered mail, samples without value, etc., or those carried in the baggage of passengers from foreign countries; meanwhile such products are not allowed to be disembarked without competent inspection by the Plant Protection Service. (Circular No. 51, of August 30, 1930, makes the provisions of this article applicable to shipments of plant products imported by air mail.)

(1) The Ministry of Agriculture can limit the quantity and establish conditions under which it will permit the certificate to be dispensed with under the terms of this article.

PASSENGERS MUST DECLARE PLANT MATERIAL IN BAGGAGE

(2) Passengers from foreign countries who carry plants, seeds, cuttings, rhizomes, tubers, fruits, etc., in their baggage are required to declare them to the customs authorities for the purpose of a phytosanitary inspection, holding such material until competent inspection and release have been effected by technical officials of the Plant Protection Service.

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[3] The Brazilian phytosanitary certificate is identical with that approved by the International Convention for Plant Protection and a certificate based upon that is acceptable to the Brazilian Department of Agriculture. Only certificates issued by the United States *Federal* Department of Agriculture are acceptable. The essential part of the text of the certificate adopted by the Convention, as applicable to Brazil, is: "The undersigned (name and official title) certifies, in conformity with the results of the inspection of products included in the shipment, that the plants or parts of plants contained in the shipment described below are deemed free from injurious diseases and pests."

(3) In case of concealment or false declaration, the violators are subject to the confiscation of the products, in addition to other penalties provided by law.

ART. 9. The requirements of the preceding articles having been met, the technical official of the Plant Protection Service will proceed to inspect the imported products, authorizing their release on confirmation of compliance with the provisions of articles 1 and 2.

Live plants and plant products which rapidly deteriorate will have precedence in inspection on arrival.

DISPOSAL OF PROHIBITED PLANT MATERIAL

ART. 10. On inspection upon arrival, if it be found that the plants or parts of plants are included in the prohibition of articles 1 and 2, they will be at once put under the supervision of the Plant Protection Service in a place indicated by that Service.

(1) Such products will be reembarked within 15 days, and if not exported within that period, they will be disinfected or destroyed.

(2) The expense involved by the requirements of this article shall be borne by the interested person without right of indemnity.

(3) If injurious pests or diseases, or those which are easily distributed, are concerned, the Plant Protection Service will immediately seize and destroy the condemned products.

(4) The disinfection, removal, and destruction of condemned products will be effected by the Plant Protection Service or, in ports where that Service is not represented, by the customs.

CONDITIONS UNDER WHICH DISINFECTION IS REQUIRED

ART. 11. Imported plant products, infected or infested with fungi, insects, or other parasites, or even suspected of being carriers of such parasites, which already exist or are distributed in Brazil and are regarded as of secondary importance, may be released after being disinfected or sterilized in accordance with conditions prescribed by the Ministry of Agriculture.

If the infection or infestation referred to in this article is of great intensity, the plants or parts of plants will be subject to the provisions of article 10.

PLANTS FROM SUSPECTED COUNTRIES TO BE HELD IN QUARANTINE

ART. 12. Plants or parts of plants from suspected countries or localities, or whose sanitary condition on arrival is doubtful, may be planted in quarantine in an official establishment, or in a place offering the necessary guaranties, in the judgment of the Plant Protection Service, which will keep them under supervision and will not permit their removal without previous authorization.

ART. 13. The Ministry of Agriculture will determine, by Order, which plant products intended for food, manufacturing, medicinal, or ornamental purposes, whose unrestricted entry into Brazil does not constitute a menace to the national cultures, may be exempted from some or all of the requirements of the present regulations.

DEFECTIVE CERTIFICATE INVOLVES BOND

ART. 14. For errors or imperfections in the phytosanitary certificates required by these regulations for the importation of plants or parts of plants, the importer may be allowed, at the discretion of the Ministry of Agriculture, to give a bond of responsibility and cash security under conditions to be fixed later and within a predetermined period and certified accordingly.

(1) The permission referred to in this article will be granted only for products which do not fall within the provisions of article 1 or within measures of exclusion in force.

(2) The conditions and fees required for the concession referred to in this article will be regulated by special orders.

ART. 15. Penalties.

SPECIAL QUARANTINES

The special quarantines of the Brazilian Ministry of Agriculture were codified by the Resolution of November 19, 1934, as follows:

IMPORTATION PROHIBITED

ARTICLE 1. The importation is prohibited from any country, into any part of the national territory, of the following plants and parts of plants:

(*a*) Cottonseed and seed cotton (*Gossypium* spp.); to prevent the introduction of the boll weevil, *Anthonomus grandis* Boh., and other pests.

(*b*) Banana (*Musa* spp.) seedlings and pseudo-bulbs (bits); to prevent the introduction of the Panama disease, *Fusarium cubense* E. F. Sm.

(*c*) Coffee (*Coffea* spp.): Stocks (seedlings), berries, seeds; seedlings of other Rubiaceae; to prevent the introduction of the rust, *Hemileia vastatrix* B. and Br. and *Hypothenemus* sp., a beetle.

(*d*) Stocks, fruits, and seeds of cocoa (*Theobroma cacao* L.); to prevent the introduction of witches' broom, *Exoascus theobromae* Ritz. Bos, and *Marasmius perniciosus* Stahel, etc.

(*e*) Seedlings, cuttings, and seeds of sugarcane (*Saccharum officinarum* L.); to prevent the introduction of virus diseases, the European corn borer, *Pyrausta nubilalis* Hbn., etc.

(*f*) Seeds, buds, and stocks of the genera *Citrus*, *Poncirus*, *Fortunella*, and other genera of the family Rutaceae, as well as of the genera *Evodia*, *Melicope*, *Casimoroa*, and *Toddalia*, also of the same family; to prevent the introduction of citrus canker, *Bacterium citri* Hasse.

(*g*) Seeds and stocks of *Eucalyptus* produced in Argentina, Australia, New Zealand, and the Union of South Africa.

PROHIBITED PLANTS MAY BE IMPORTED BY DEPARTMENT OF AGRICULTURE

(1) The Ministry of Agriculture reserves the right to import the plants and parts of plants mentioned in this article in small quantities, or to authorize State governments to import them for cultural experiments in their technico-experimental establishments, observing, however, protective measures prescribed by the Plant Protection Service (Serviço de Defesa Sanitaria Vegetal).

(2) The Ministry of Agriculture may import plant species mentioned in this article on the application and for the account of private persons, the importations being subject to conditions prescribed by the Plant Protection Service. Such plants will be grown in quarantine in official establishments of the Ministry, and only the respective progeny of the planting may be delivered to the interested person.

ALFALFA AND CLOVER SEEDS MUST BE FREE FROM DODDER

ART. 2. The importation is prohibited, under the provision of article 2 of Decree No. 24114, of April 12, 1934, of seeds of alfalfa (*Medicago sativa* L.) and of other leguminous forage-crop seeds if the required phytosanitary certificate does not include a declaration that such seeds are free from dodder (*Cuscuta* seeds).

CERTIFICATE REQUIRED FOR POTATOES

ART. 3. Under the terms of article 2 of the above-mentioned decree, importation is prohibited of potato tubers (*Solanum tuberosum* L.) that are not accompanied by a phytosanitary certificate affirming that they originated in a locality free from the following parasites: Potato wart, *Synchytrium endobioticum* (Schilb.) Perc.; powdery scab, *Spongospora subterranea* (Wahr.) Johnson; potato tuber worm (*Phthorimaea*) *Gnorimoschema operculella* Zell.; and the Colorado potato beetle, *Leptinotarsa decemlineata* Say.

SEED POTATOES MUST BE CERTIFIED AS FREE FROM VIRUS DISEASES

(1) Where seed potatoes are concerned, in addition to the above-mentioned phytosanitary certificate, they must be accompanied by a certificate issued by the Ministry of Agriculture of the producing country, declaring that they proceed from an establishment that grows seed potatoes, officially controlled (supervised) against the so-called degeneration or virus diseases. (See Decree No. 21734 of Aug. 16, 1932, pp. 15 and 16.)

PORT OF ENTRY FOR POTATOES FROM SPAIN AND PORTUGAL

(2) The importation of potatoes from Spain and Portugal exclusively for consumption will be permitted through the port of Rio de Janeiro alone.

(3) For the purposes of the preceding paragraph, in addition to the phytosanitary certificate, the presentation of a certificate of disinfection is indispensable; both certificates must be visaed by the Brazilian Consulate at the port of embarkation, to prevent the introduction of the potato tuber worm, *Gnorimoschema operculella*, and powdery scab, *Spongospora subterranea*.

EUROPEAN CORN BORER CERTIFICATE REQUIRED FOR SEED CORN

ART. 4. Under the terms of article 2 of Decree No. 24114 the importation of corn seed (*Zea mays* L.) is prohibited in the absence of a declaration on the required phytosanitary certificate that the corn included in the shipment originated in a region free from the European corn borer, *Pyrausta nubilalis* Hbn.

FUMIGATION CERTIFICATE REQUIRED WITH COTTON AND BROOMCORN

ART. 5. Under the terms of article 2 of the above-mentioned Decree No. 24114, the importation of raw cotton and cotton wastes, as well as of straw and panicles of broomcorn, *Andropogon sorghum* var. *technicus*, is prohibited, unless accompanied by a fumigation certificate.

In the absence of this certificate, or if the certificate does not offer the necessary guaranty, fumigation may be effected at the port of arrival if a properly equipped station or post exists at the port of arrival.

IMPORTATION OF CERTAIN PLANT PRODUCTS UNRESTRICTED

ART. 6. Under the terms of article 13 of the above-mentioned Decree No. 24114 a phytosanitary certificate is not required for the importation of the following products: Almonds (*Amygdalus communis* L.), anise (*Pimpinella anisum* L.), bird seeds, cloves, India (*Eugenia aromatica* (L.) O. Kze.), cumin (*Cuminum cyminum* L.), garlic (*Allium sativum* L.), millet (*Chaetochloa italica* (L.) Scribn.), nuts, hazel (*Corylus* spp.), onions (*Allium cepa* L.), pepper, black (*Piper nigrum* L.).

CEREALS FOR CONSUMPTION AND MANUFACTURE UNRESTRICTED

(1) The cereals, barley (*Hordeum vulgare* L.), oats (*Avena sativa* L.), rye (*Secale cereale* L.), wheat (*Triticum aestivum* L.), and flax seed (*Linum usitatissimum* L.), are included in the concession established by this article when imported for human consumption or for industrial purposes (stock feeds, industrial ferment products, etc.).

(2) Persons interested in the concession prescribed by the preceding paragraph shall sign an undertaking to the Plant Protection Service at the port through which entry is made that the grains and seeds above referred to will not be used for planting.

(3) The products mentioned in this article shall be released from the customs only on the authorization of the Plant Protection Service.

AUTHORIZED PORTS OF ENTRY

ART. 7. The importation, under the terms of article 3 of Decree No. 24114, of plants and parts of plants from abroad will be permitted only through the ports of Belem, Corumba, Manãos, Porto Alegre, Recife, Rio de Janeiro, Rio Grande, Santos, São Francisco, and São Salvador.

ART. 8. Quarantined areas of Brazil.

ART. 9. Approved form of certificate for plant material intended for export.

ART. 10. Prohibiting the maintenance within economic crops of plants which may serve as hosts of parasites of those crops.

BOND REQUIRED FOR PRODUCTION OF CERTIFICATES

ART. 11. In accordance with the provisions of the second paragraph of article 14 of Decree No. 24114, a bond is established in cases of the straying of, or irregularities in, phytosanitary certificates required for the importation of plants and parts of plants, under the following conditions:

(*a*) The period for the presentation of the certificate shall be 30 days for the preceding products proceeding from countries of the American continent, and 60 days for other countries, counting from the date of the signature of the bond.

INSPECTION ON ARRIVAL

(*b*) Imported products are subject, in addition to thorough inspection on arrival, to disinfection, fumigation, or quarantine, at the discretion of the Plant Protection Service.

RESTRICTIONS ON THE IMPORTATION OF SELECTED SEED POTATOES

(Decree No. 21734, Aug. 16, 1932)

ARTICLE 1. The importation of selected seed potatoes, with exemption from customs imports (in the terms of article 3, No. XIII–3, Law No. 1616 of Dec. 30, 1906) is subject to previous authorization by the Ministry of Agriculture.

(*a*) This authorization will be granted only to growers or syndicates and agricultural cooperatives registered in the Service of Inspection and Agricultural Protection (Servico de Inspecão e Fomento Agricolas), and to commercial firms regularly established and registered in Brazil for the seed business.

(*b*) Importation shall be made only through ports or localities where there is a representative of the Biological Institute of Agricultural Protection (Instituto Biologico de Defesa Agricola) authorized to carry out phytosanitary inspection. (See article 7, Resolution of Nov. 19, 1934, p. 12.)

(*c*) The Ministry of Agriculture will publish the names of the authorized ports or localities through which importation will be permitted.

ART. 2. Seed potatoes may be imported into Brazil only from countries where technical experimental establishments specializing in the culture of this plant exist, according to the criterion of the Servico de Inspecão e Fomento Agricolas, in order to prevent the importation of unfit varieties into regions for which the tubers are intended, and to prevent the introduction of injurious or exotic diseases, and the importation will be subject to all the provisions and instructions concerning phytosanitary protection, applying to the case the judgment of the Superior Council of Agricultural Protection instituted by article 90 of the regulations approved by Decree No. 15189 of December 21, 1921.

(*a*) The phytosanitary certificate indicating origin referred to in article 2 of the resolution of May 26, 1928 (superseded by article 3 of the resolution of Nov. 19, 1934); shall affirm that the tubers proceed from regions free from the parasites *Synchytrium endobioticum* (Schilb.) Perc., *Spongospora subterranea* (Wahr.) Johnson, and (*Phthorimaea*) *Gnorimoschema operculella* Zell., and *Leptinotarsa decemlineata* Say, and that the imported tubers are free from those and other parasites.

(*b*) In addition to this certificate, each shipment must be accompanied by a statement of the Minister of Agriculture of the producing country affirming that selected seed potatoes are concerned.

(*c*) If, upon inspection on arrival, the tubers indicate need of disinfection by immersion in insecticidal and fungicidal solutions, this precaution will be required at the expense of the importer.

ART. 3. Tubers which may be deemed by the Servico de Inspecão e Fomento Agricolas unfit for planting may be used for consumption, provided that the competent sanitary authorities are not opposed, and that the importer pays the imposts required by law.

ART. 4. Tubers deemed by competent authorities unfit for planting or for food shall be destroyed under the supervision of the same at the expense of the importer.

ART. 5. Concerns the storage of imported seed potatoes.

ART. 6. Concerns the requirements to be met by the importer in applying for a permit to import seed potatoes.

ARTS. 7, 8, and 9. Concern importers of seed potatoes.

DISINFECTION OF CHESTNUTS REQUIRED

(Resolution of Jan. 25, 1936; Diario Oficial, Jan. 29, 1936)

ARTICLE 1. The obligatory certification of the disinfection of chestnuts (*Castanea vulgaris*) imported from any source, is hereby established.

The presence of the lepidopteron *Laspeyresia* sp., and of the coleopteron *Balaninus* sp., in any stage of development, being verified by inspection in the port of destination, the Servico de Defesa Sanitaria Vegetal, at the request and expense of the consignees, will subject the shipment to a new disinfection, providing that the infestation does not exceed 2 percent, the interested persons being subjected to other precautionary measures deemed necessary.

CERTIFICATE NOT REQUIRED FOR PROCESSED PLANT PRODUCTS

(Order of February 10, 1938; Diario Oficial, February 17, 1938)

ARTICLE 1. The certificate of origin and plant health for imported plants or parts of plants that have been processed, dried, manufactured, or which have undergone any treatment that devitalizes them, may, in the terms of the said regulations, be dispensed with.

SUBJECT TO INSPECTION ON ARRIVAL

ART. 2. The products included in the preceding article are subject to inspection on arrival in ports where phytosanitary inspection is provided for, and will be released by the customs only by authorization of the technical expert of the phytosanitary service.

The required inspection of products recognized as being incapable of harboring parasites may, at the discretion of the Director, Phytosanitary Service, be dispensed with.

B. E. P. Q. 404, revised, supplement No. 3.

PLANT-QUARANTINE IMPORT RESTRICTIONS, BRITISH INDIA

MARCH 3, 1941.

NOTIFICATION OF THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS, No. 46–29/38–A, DATED UNDER AGRICULTURE, NEW DELHI, OCTOBER 9, 1940

This Notification advises that Port Blair should be substituted for Rangoon in clause (iii) of paragraph 1 of the Order published in Notification No. F. 320/35–A, dated July 20, 1936. Accordingly, the above substitution should be made in paragraph (c) of article 1 on page 5 of B. E. P. Q. 404, revised.

LEE A. STRONG,
Chief, Bureau of Entomology and Plant Quarantine.

B. E. P. Q. 444, revised, supplement No. 1.

PLANT-QUARANTINE IMPORT RESTRICTIONS, FRENCH ZONE OF MOROCCO

JANUARY 22, 1941.

Dahir of March 21, 1933; Bulletin Officiel No. 1069, April 21, 1933, p. 373.

FORM OF CERTIFICATE REQUIRED FOR IMPORTED PLANT MATERIAL

In addition to the regulations given on page 7 of B. E. P. Q. 444, revised, under the heading "Phytosanitary Control of Imported Plant Material," as to ports of entry and the required copy of a shipper's invoice, the Dahir of March 21, 1933, requires that all shipments into the French Zone of Morocco of seedlings, layers, cuttings, scions, grafts, cut flowers, pits of fruits, tubers, bulbs, rhizomes, roots, and seeds, must be accompanied by a certificate of sanitary inspection conforming to the model appended hereto.

LEE A. STRONG,
Chief, Bureau of Entomology and Plant Quarantine.

CERTIFICATE OF SANITARY INSPECTION

COUNTRY OF ORIGIN

Indication of Official Service of Plant Protection

I, the undersigned [4] _____ certify, according to the results: [5]

Of the supervision of plants at origin;

Of the inspection of products comprising the shipment:

That the plants or parts of plants contained in the invoice described below, are deemed free from injurious insect pests and plant diseases, especially those enumerated hereafter:

Description of the invoice:

Number, weights, and nature of the packages:

Marks on containers:

Description of the plants or parts of plants and place where grown:

Name and address of shipper:

Name and address of consignee:

Place and date:

SEAL Signature:

B. E. P. Q. 409, supplement No. 1.

PLANT-QUARANTINE IMPORT RESTRICTIONS, FREE CITY OF DANZIG

MARCH 24, 1941.

The International Bulletin of Plant Protection, Year XIV, No. 12, December 1940.

ABROGATION OF PHYTOSANITARY MEASURES

"The former Free City of Danzig being, by virtue of the Law, dated September 1, 1939, incorporated into the Reich, all legislative regulations, including phytosanitary measures taken previous to this date, have been abrogated. (Nachrichtenblatt fur den Deutschen Pflanzenschutzdienst, Berlin, Anfang September 1940, 20. Jahrg., Nr. 9, S. 56.)"

The above action apparently revokes the Plant-Quarantine Import Restrictions of the Free City of Danzig, as issued in B. E. P. Q. 409, July 20, 1936.

LEE A. STRONG,
Chief, Bureau of Entomology and Plant Quarantine.

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[4] Name, first name, and rank of official of the certifying service of the country of origin.
[5] Strike out line which does not apply.

TERMINAL INSPECTION OF PLANTS AND PLANT PRODUCTS

MINNESOTA STATE PLANT QUARANTINES AND TERMINAL INSPECTION

THIRD ASSISTANT POSTMASTER GENERAL,
Washington, March 7, 1941.

(1) The State of Minnesota has established terminal plant inspection within the provisions of the law embodied in section 596, Postal Laws and Regulations, to prevent the introduction and dissemination of certain insects into Minnesota, such as San Jose scale, oyster-shell scale, root lice—such as strawberry root lice, and other plant pests of economic importance, with respect to the following plants and plant products:

> All wild and cultivated trees, shrubs, and woody vines; perennial roots, such as peonies and iris; small-fruit plants, such as strawberries and raspberries; herbaceous perennials, such as hollyhocks and other hardy flowering plants; cuttings, buds, grafts, and scions for or capable of propagation.

(2) Facilities for terminal plant inspection are being provided and will be maintained at Saint Paul, Minnesota. Parcels containing articles subject to terminal inspection addressed for delivery in Minnesota, including those originating in Minnesota, are, therefore, to be accorded the treatment prescribed by section 596, Postal Laws and Regulations, and transmitted to the plant inspector at Saint Paul. However, the Minnesota arrangement permits the delivery of parcels containing the above-named plants and plant products to the addresses in all cases when accompanied with a valid certificate of inspection issued by a plant inspector of the State of origin certifying the articles contained in the individual packages are free of harmful diseases or insect infestation, with the exception that in case of shipments of materials restricted under the provisions of Minnesota State quarantines listed below, the nursery or premises inspection certificate (usually issued once a year) as required under paragraph 2, section 595, Postal Laws and Regulations, will not be satisfactory for such purpose. In such cases a special certificate indicating compliance with the restrictions of the quarantine involved is required.

(3) Packages containing any plants or plant products addressed to places in Minnesota may be accepted for mailing only when plainly marked so that the contents may be readily ascertained by an inspection of the outside. The law makes failure so to mark such parcels an offense punishable by a fine of not more than $100.

(4) Pursuant to the act of June 4, 1936, embodied in amended section 596, Postal Laws and Regulations, the State of Minnesota has also issued State plant quarantines on account of the alfalfa weevil and on account of "orange rust" and "virus diseases" of the mosaic type affecting raspberry plants, prohibiting or regulating the entry into Minnesota of certain plants and plant products as follows:

(A) QUARANTINED ON ACCOUNT OF THE ALFALFA WEEVIL

California—Counties of Alameda, Alpine, Contra Costa, Lassen, Merced, Mono, Plumas, San Joaquin, Santa Clara, Sierra, Siskiyou, and Stanislaus.

Colorado—Counties of Delta, Garfield, Gunnison, Mesa, Moffat, Montrose, Ouray, Rio Blanco, Routt, and San Juan.

Idaho—All that part lying south and southeast of the south boundary of Idaho County.

Nevada—Entire State.

Oregon—Counties of Baker, Harney, Jackson, Josephine, Malheur, and Union.

Utah—Entire State.

Wyoming—Counties of Albany, Carbon, Converse, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Platt, Sweetwater, and Uinta.

Plant material affected: Alfalfa hay as such or other hay of any kind, cereal straw—acceptance for mailing entirely prohibited.

Alfalfa meal prohibited during April, May, June, July, August, September, and October.

Alfalfa meal accepted during January, February, March, November, and December, when accompanied with approved certificate.

(B) QUARANTINED ON ACCOUNT OF ORANGE RUST AND VIRUS DISEASES

All States.

Plants affected: Raspberry plants—accepted for mailing only when accompanied with approved certificate.

Under the provisions of paragraph 2 (b), amended section 596, Postal Laws and Regulations, postmasters should not accept such plants and plant products when presented for mailing in violation of these quarantine laws and regulations and should invite the attention of the mailers thereto.

Parcels inadvertently accepted in the mails in violation of these quarantines and quarantine regulations are subject to the treatment prescribed by paragraph 4 (b), section 596, Postal Laws and Regulations.

RAMSEY S. BLACK,
Third Assistant Postmaster General.

MODIFICATION OF MISSISSIPPI STATE PLANT QUARANTINES

(Amending Notices Issued April 7, 1937, and May 7, 1940)

THIRD ASSISTANT POSTMASTER GENERAL,
Washington, March 28, 1941.

Mississippi plant quarantines have been modified, effective at once, so as to prohibit entirely the entry into that State of sweetpotato seed and sweetpotato plants from the entire State of Tennessee. This is in addition to the restrictions previously imposed, set forth in notices published in the May 1937 and June 1940 Supplements to the Postal Guide.

Postmasters will, therefore, please make the proper correction and be governed accordingly.

RAMSEY S. BLACK,
Third Assistant Postmaster General.

PENALTIES IMPOSED FOR VIOLATIONS OF THE PLANT QUARANTINE ACT

According to reports received by the Bureau during the period January 1 to March 31, 1941, penalties have recently been imposed by the proper authorities for violations of the Plant Quarantine Act, as follows:

QUARANTINES AFFECTING MEXICAN PRODUCTS

In the case of the United States versus the persons listed below, for attempting to smuggle in contraband plant material, the penalties indicated were imposed by the United States customs officials at the following ports:

Name	Port	Contraband	Penalty
H. M. Yoder	Brownsville, Tex.	1 orange	$1.00
Ignacio Gonzalez	do	2 oranges	1.00
Cesario Hernandez	do	6 avocados with seed	1.00
Marie Castillo	Del Rio, Tex.	4 avocados	1.00
Rosa Castaneda	do	1 orange	1.00
Maria Jiminez Garza	Eagle Pass, Tex.	1 apple and 1 orange	1.00
Juan Zuniga	do	2 oranges and 4 nodes sugarcane	1.00
Matilda E. Garcia	do	14 plants	1.00
Dimanthia Gonzales	do	2 avocados	1.00
Mrs. Maria Jesus de Coleman	El Paso, Tex.	2 guavas	.40
Mrs. Ramona Armendariz Moneida	do	4 ounces acorns	1.00
Felipe Galvis	do	2 plants in soil	1.00
Herminia Pena de Gutierrez	do	1 plant in soil and 1 plant cutting	1.00
Petra Delgado de Macias	do	17 gladiolus corms, 6 ounces tree seed, and 6 Mexican oranges.	1.00
Ascencio Mendez	Hidalgo, Tex.	5 plants	1.00
Tomas Vasquez	do	1 avocado	1.00
Juana Cavazes	do	do	1.00

Name	Port	Contraband	Penalty
Tomas Pena	Hidalgo, Tex	6 plants	$1.00
Mrs. Antonio Rocha	Laredo, Tex	5 guavas	1.00
Mrs. F. Ramirez	do	10 plants	1.00
M. Cardona	do	do	1.00
Henry Rose	do	6 mamey seed and 3 nodes sugarcane.	1.00
Ana M. Perigrina	do	2 oranges	1.00
Maria Delgado	do	5 avocado seed	1.00
Juana S. Aguierre	do	1 plant	1.00
David Moises Patino	do	1 orange	1.00
Louie J. Kalschmar	do	5 oranges	1.00
R. Gomez	do	6 oranges	1.00
Isidra Limon	do	6 guavas	1.00
Jose Refugio Sanchez	do	5 oranges	1.00
Mrs. Otto Ludeke	do	5 Irish potatoes	1.00
Mrs. Mercedes Mendoza	do	1 guava	1.00
Mrs. Alma Kujath	do	10 tangerines, 3 oranges, 1 apple, and 5 nodes sugarcane.	2.00
Juana Solis Vda. de Luna	do	2 avocado seed	1.00
Jose San Roman	do	4 avocados with seed, 2 sweet limes, 6 plants, 12 haw apples, and 2 pounds seed with pulp.	2.00
Juana Ontureras	do	6 plants	1.00
Mrs. Sarah Schapeno	do	2 oranges	1.00
M. F. Noack	do	3 oranges	1.00
E. R. Johnson	do	do	1.00
Mrs. Antolina Sadres	Laredo, Tex	4 plants with soil	1.00
Jose Ruiz Perez	do	2 oranges	1.00
Mrs. Ballema Ruiz	do	5 plants and 2 mamey seed	1.00
Felix Trevino	do	4 plants	1.00
Peter J. Dooley	do	6 oranges	1.00
Romona Gonzales	do	4 mameys and 9 nodes sugarcane	2.00
Librada Sanchez	do	⅛ pound papaya seed	1.00
Elena Contreras	do	1 orange	1.00
J. E. Williams	do	1 mamey and 1 orange	1.00
A. R. Juarez	do	1 orange	1.00
Mrs. Fannie Carmin	do	4 oranges and 6 tangerines	1.00
Maria A. Varga	do	9 plants	1.00
Mrs. Jesse Ortiz	do	5 guavas and 2 sweet limes	1.00
Miss Conception Ortiz	do	5 guavas and 7 sweet limes	1.00
Jose T. Estrada	do	1 avocado with seed	1.00
Jose Estrada	do	do	1.00
Miss Josefina Perez	do	14 geranium cuttings	1.00
Alfonso Torres	do	4 oranges	1.00
Leonard Gonzales	do	4 cactus plants	1.00
Matilde Quinones	do	32 plants	1.00
Mrs. Garcia de Hernandez	do	3 plants with soil	1.00
Henry T. Danforth	do	4 avocados	1.00

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R. E. MCDONALD, *in Field Charge, Pink Bollworm and Thurberia Weevil Quarantines* (headquarters, *San Antonio, Tex.*).
P. A. HOIDALE, *in Field Charge, Mexican Fruitfly Quarantine* (headquarters, *Harlingen, Tex.*).
A. C. BAKER, *in Field Charge, Fruitfly Investigations* (headquarters, *Mexico City, Mexico*).

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